

is earning favorable reviews for a family-oriented program called "Minor Adjustments," a show about a child psychologist which will appear on Sunday nights.

But there is a clear direction that the networks are moving in. It is not just Senator CONRAD and I who see it. It is all or most of the TV critics who have reviewed this current fall season. We have reason to be deeply troubled about it. I can tell you that I am troubled about it not just in my capacity as an elected representative, but as a father of four kids, one of whom is 7 years old. Television executives need to recognize that they are part of a larger civil society to which they, like we, have obligations, and that the first amendment is not a constitutional hall pass that excuses them from their responsibilities to that civil society.

Mr. President, in the end, the new fall season I hope will clear up any doubts that our colleagues have about the need for the leadership, or the V-chip, and the need to help parents protect their kids as best they can from the messages that television is sending them that are so often inconsistent with what the parents are trying to send and teach their own children.

When the telecommunications bill comes out of conference, I hope my colleagues will join us in calling on the networks to acknowledge their responsibility to society and the impact that they have on our society and to remember this important point. They are obviously private businesses, but they are using the public airwaves, and they should not use those airwaves to hurt the public. The networks need to be reminded that they would not exist if the public and we, their representatives, did not grant them access to those airwaves.

No one here wants to talk about censorship. No one here wants to talk about constraining the freedom of the networks to program. But the reality is that the networks are moving so far away from reflecting the values commonly shared by most people in this country, let alone the interests of most people in this country, that they are inviting a reaction unless they discipline themselves.

Mr. President, one of television's finest moments was the Edward R. Murrow documentary "Harvest of Shame," which was broadcast four decades ago. I am afraid that the 1995 fall season might also be titled the "Harvest of Shame." I hope its excesses will inspire a reaction from the American people, a reaction from us, their representatives, here in Congress, and ultimately a reaction from those who can do most to diminish this problem, and that is those who own, operate and program our television networks today.

I thank the Chair. I yield the floor, and I note the absence of a quorum.

Mr. COCHRAN. Mr. President, will the Senator withhold.

Mr. LIEBERMAN. Mr. President, I withhold my notation.

The PRESIDING OFFICER. The Senator from Mississippi.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Mr. President, the situation, for the information of Senators, is that we are at the point now where we can proceed to take the remaining amendments up and consider them, dispose of them, and move to final passage.

There are several amendments that have been listed in an agreement we entered into yesterday limiting amendments that we understand will be called up and we will have to consider them.

Senator STEVENS has an amendment on the salary of an Under Secretary position at the Department of Agriculture. That will be offered soon, we understand. Senator McCain has an amendment dealing with education funds for tribal colleges, and we are happy to consider that amendment at any time the Senator would like to offer it. We may very well be able to work that out without a rollcall vote. We hope we can.

I am saying all this to let Senators know that we are making progress. We are getting to the point where we hope we will be able to move to final passage on this bill in the early evening so we will not have to stay in late on this bill tonight. We want to finish the bill tonight. The majority leader has indicated that we will stay in until we finish the bill. I am simply saying I am encouraged that we may be able to finish this bill early this evening if Senators will come and offer their amendments.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. Mr. President, I would like to thank the manager of the bill and Senator BUMPERS for their patience. I should be ready to propose this amendment within a few minutes as soon as I get one additional piece of information.

Would the Senator from Mississippi want me to suggest the absence of a quorum while we talk?

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand that my colleague from Ari-

zona, Senator McCain, will shortly be offering an amendment to provide funds for American Indian postsecondary institutions. And I want to speak very briefly in support of this amendment.

Mr. President, Senator McCain, as chair of the Committee on Indian Affairs, is offering this amendment which I am proud to cosponsor which will provide funds to those institutions that are authorized in the Equity in Educational Land Grant Status Act of 1994. That act was included as part of the Improving America's Schools Act, which we also passed in the last Congress.

Mr. President, I sponsored that legislation in the last Congress to rectify what I saw as an unjust situation. That is, that every State and territory in the country had a land-grant college that received funds by virtue of that designation, but none of the Indian-operated institutions were designated as land-grant institutions in spite of the very important work that they did preparing people for careers in agriculture.

Mr. President, we had the anomalous situation where the University of the District of Columbia was a land-grant college, but those institutions in my own State and elsewhere in the country which were dedicated to training Indian Americans to pursue careers in agriculture, as well as other careers, were not so designated. So the Equity in Educational Land Grant Act authorized land-grant programs for the 29 tribal and Indian-serving institutions, which came to be known as the 1994 institutions as a result of our passage of that legislation last year.

Those institutions serve 25,000 students from 200 different tribes. The legislation then passed in October 1994 had bipartisan support and had the endorsement of the Department of Agriculture, the National Association of State Universities and Land-grant Colleges, the 1890 historically black land-grant colleges and the existing land-grant colleges in States with tribal colleges.

The appropriation that Senator McCain is calling for here would make funds available for four different purposes, as I understand it, for payment into the endowment, which would be much-needed; a certain amount of funding to strengthen curriculum in food and agriculture sciences in these 1994 institutions; a certain amount for capacity-building grants; and, again, a separate amount for competitively awarded extension programs administered through the existing State land-grant colleges in cooperation with these 1994 institutions.

The offset would be from a very small amount of the dollars provided for the benefit of the land-grant college system. I am persuaded that these funds will be well spent. The programs that the amendment provides for in all 29 colleges are roughly equal to the

amount that the Department of Agriculture allocates to fewer than one of the existing land-grant colleges each year.

This funding will develop expertise in training to improve the training and use of over 50 million acres of Indian agricultural and forest land. The most recent surveys of tribal colleges found that even in the economically depressed areas where these schools are located, tribal college graduates are employed at rates of 74 to 85 percent, generating very large amounts in Federal taxes.

For these reasons, Mr. President, I urge my colleagues to support Senator McCain and his amendment. I hope it is adopted by the full Senate.

Thank you, Mr. President. I yield the floor.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. I would like to thank my friend and colleague from New Mexico for his efforts on this issue but also many others that he and I have been involved in over a period of many years on behalf of native Americans. And, as he stated so eloquently, this is a matter of simple fairness.

I am pleased to note, Mr. President, that the distinguished manager, the Senator from Mississippi, and Senator Bumpers have agreed to a compromise on this amendment which I will be proposing shortly. And, Mr. President, the compromise amendment that I will be proposing on behalf of myself, Senators Domenici, Inouye, Bingaman, and Conrad is fundamentally the same.

In the interest of time, I will make my remarks and then propose the amendment when the paperwork is finished, making the changes that are being implemented as a result of the compromise that Senator Bumpers, Senator Cochran, and I have achieved.

Mr. President, this amendment would provide funding for extension education and capacity building and programs at the 29 tribally controlled community colleges in the United States.

These programs were fully authorized to be funded by the Department of Agriculture by the Improving America's School Act of 1994. I want to emphasize again, Mr. President, these programs were authorized in 1994.

What the distinguished chairman has agreed to is that we have approximately \$4.1 million in funding for these 29 tribal-controlled community colleges. The funds necessary to fund these efforts, of course, will be small in comparison to the approximately \$855 million that is provided in this bill for research and extension programs of the Cooperative State Research Education and Extension Service budget of the Department of Agriculture.

Mr. President, the tribally controlled community colleges and institutions in America share an unfortunate fact with other tribal organizations in Indian country: They perform an ex-

tremely important task on behalf of the poorer citizens in our country, yet they have been long ignored. While many colleges and universities in America are worried about protecting State and Federal funding, tribal colleges in Indian country are struggling to survive.

It is really not appropriate that while many universities continue to receive this great amount of money, tribal colleges live in fear of losing their accreditation due to an urgent lack of funds.

Recently, we have seen actions in this body that have not been favorable to native Americans, as we noted in the Interior appropriations bill. The 29 tribal colleges in America, often called the "1994 institutions," due to the fact that Congress gave them partial status as land-grant colleges last year, are extremely important to the goal of providing access of native Americans to education.

Many of these colleges are the only chance native Americans have to pursue their dreams of acquiring the skills and education they so desperately need to pursue their dreams. I think it is likely many Americans, and perhaps many Members of Congress, are unaware of the importance of tribally controlled colleges in Indian country. These colleges include among the 29, the Black Feet Community College in Browning, CO; the Sinte Gleska University in Rosebud, SD; the Southwest Indian Polytech Institute in Albuquerque, NM; and the Turtle Mountain Community College in Belcourt, ND.

Mr. President, there is a problem that native Americans have many times when they enter a college or university. Many of these young people have spent their entire lives in remote parts of our respective States, sometimes never coming in contact with more than 50 or 100 or at most 200 people for most of their lives, and then they are thrust into a large university situation.

In my own State, there are two large universities of 40,000 students each. When a native American student goes from the very small and very lowly populated environment to this very large scenario, they find many times it is a culture shock which is very difficult to cope with. As a result of this, the dropout rates of our large universities across the country, but also in Arizona, is extremely high, as high as 85 and 90 percent.

We find that in the tribal community colleges that the environment is much different and the success rate is dramatically improved.

Last year, a bipartisan coalition of Senators took note of the important work of tribally controlled colleges and the difficult circumstances they face and passed legislation authorizing the Department of Agriculture to assist agriculture-related programs at these schools.

It is very fitting for Department of Agriculture funds to be used to support

native American colleges, as this amendment would achieve. American Indian lands span over 54 million acres in the United States, with 75 percent of this total being agricultural land and another 15 percent forestry land.

Unfortunately, due to a lack of resources, millions of acres of these potentially productive lands lie fallow or are underutilized. The modest amount of funds provided by this amendment would empower tribally controlled colleges and students to assist their communities and effectively develop their agricultural resources.

Obviously, I believe this amendment is a matter of equity. The Congress and the President joined together last year to offer new hope to native American schools and students but are on the verge of failing to deliver a promise yet again due to the lack of funds in this bill. Tribal colleges will use very well this amount of money, and it will be vital to the existence of some of them.

Mr. President, I would like to, just for purposes of the Record, mention a couple of facts: The median age for American Indians residing on reservations was 20.7 years of age in 1990, the median age for the entire United States was 32.9 years.

Fifty-seven percent of the total American Indian population was age 24 or younger in the United States in 1990, as compared to 36 percent for the mainstream population of the United States.

The population age group 5 to 17 comprised an average 31 percent of the total American Indian population, as compared to the national average of only 18 percent.

The American Indian population increased 38 percent between 1980 and 1990; the total United States population increased by 9.8 percent in the same period.

The American Indian baby boom has now reached college and employment age. In 1989, 31 percent of American Indians lived below the poverty level; the national poverty rate was 13 percent in that same year.

Unemployment rates on Indian reservations averages 45 percent, while some reservations served by the tribal colleges have unemployment rates as high as 86 percent.

From a 1994 sample of 16 tribal colleges, fully 74 percent of tribal college graduates are successfully employed; 42 percent of tribal college graduates go on to continue their education in other postsecondary institutions.

Mainstream public colleges are geographically inaccessible to many young American Indians, and by depriving American Indians of an equal education, we are preventing American Indians from finding adequate employment opportunities.

Mr. President, 1,340 out of 1,575 graduates in a sample of six tribal colleges were successfully employed and paid a total of \$2.73 million annually in taxes. This is a dramatic difference than there is, obviously, from the average

native American, and I think it proves that in the long run, educating Indian children is just as productive, in fact in some ways more so, than as it is non-Indian children.

I note the presence of my friends from North Dakota and from Hawaii on the floor. I will state, hopefully the amendment will be finished in a few minutes so I can formally present the amendment. In the meantime, I yield the floor.

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I wish to commend my friend, the distinguished Senator from Arizona, for his leadership and for his wise counsel in sponsoring this amendment. I hope that the Senate will adopt the amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Arizona, and others, who are supporting this initiative for working with the managers to craft the language so this will be acceptable. We are going to recommend the approval of the amendment. It is being drafted, and I understand as soon as it is, it will be offered, and we will recommend that the Senate adopt it on a voice vote.

I know other Senators are here with other amendments. Until we have an opportunity to formally act on the amendment, I will yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair.

Mr. President, I want to thank my colleague from Arizona, Senator McCain, for his leadership on this amendment. Senator McCain and Senator INOUE have been true friends of the Indian peoples of this country. Over and over and over, they have taken initiatives to try to make a difference in the lives of people who desperately need that assistance.

The amendment that the Senator from Arizona has offered this afternoon is especially important to me, because I remember very well speaking at the Turtle Mountain Community College that the Senator from Arizona referenced. I spoke at their graduation. I wish my colleagues could have been there to see the difference these community colleges are making. The idea that people were having a chance to make the most of themselves, that there was an educational opportunity, that there was a chance to go beyond what had been the experience of their parents and their grandparents, that there was a chance to develop themselves, which had filled them with such hope and such a sense of self-worth that you could see it in the eyes of the hundreds of students who were there. You could see that pride when they reached out and received a diploma that said they had mastered the subject matter.

Mr. President, in all of the time I have been in the U.S. Senate, there has never been a time that I was as moved personally by what I saw as I was on that day at graduation at the Turtle Mountain Community College. I was absolutely persuaded that this is making a difference in the lives of people.

If you could have gone to that reservation, like I did 25 years ago, and seen the conditions there and seen the difference that community college is making today, it is so dramatic that it is almost hard to believe you are in the same place. They now have several industries that are at work, that are producing goods for the military of this country that are second to none. Their tribal industry built the water trailers used in Desert Storm, and the Army says they are the finest water trailers they have ever had, and they were absolutely critical in that conflict. They were made by people who were the graduates of that community college. It is precisely the kind of thing we ought to be doing.

I thank the Senator from Arizona for his leadership and initiative.

Mr. McCain. If the Senator will yield for a question, concerning the water trailers, were they constructed by the tribal authority?

Mr. CONRAD. The tribal industries had built the water trailers that were used in Desert Storm.

Mr. McCain. What kind of an impact does that have on the tribal economy?

Mr. CONRAD. It is very dramatic because their contracts run in the tens of millions of dollars a year. It has made a dramatic difference to the economy of that reservation. I might say to my colleague, not only has that industry made a difference, they have also—this is very interesting—formed a computer company. That computer company now does the work for the Treasury Department. They manage the computer systems of the U.S. Treasury Department. They have done a first-class job. They employ literally hundreds of people in doing that service, and they have done a superb job, by the way, an absolutely superb job, and they are graduates of that particular community college.

Mr. McCain. Finally, would they be able to conduct and manage both industries if they did not have the community college training that is provided at Turtle Mountain?

Mr. CONRAD. No, clearly not. That community college has formed the basis of providing an educated cadre of employees that make those firms successful.

I say to my colleague, if you could go there and see the difference it is making in the self-confidence of those people, in their sense of self-worth, it is just a dramatic thing. Again, I thank my colleague for what he has done.

Mr. McCain. I say to my friend from North Dakota, I would consider it a privilege to come up sometime and visit Turtle Mountain Community College, because I really believe that these 29 community colleges provide what, frankly, we are not able to provide.

As I said earlier, at the University of Arizona and Arizona State University, we get many native American students entering those schools. Those 40,000 students are probably more people than some of the native American students have ever laid their eyes on in their lives. It is culture shock. And the dropout rate is high. As much as we try to design what are almost affirmative action programs, and special tutoring in special areas, we have great difficulty keeping them.

Yet, at the community colleges—for example, Navajo Community College, the dropout rate is very small because the environment and the climate is so conducive to an atmosphere where they feel a great degree of comfort. I think when we look at these community colleges, they play a far greater role than, perhaps, we could ever appreciate.

Mr. CONRAD. I could not agree more with the Senator from Arizona. If any colleague had a chance to go there and witness what I have seen, they would conclude that this is the single best expenditure we have made in the country.

Mr. McCain. Mr. President, I believe I am about 1 minute from being able to dispose of this amendment. If my friend from Massachusetts will indulge me, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCain. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2694

Mr. McCain. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain], for himself, Mr. DOMENICI, Mr. INOUE, Mr. BINGAMAN, Mr. CONRAD, and Mr. DORGAN, proposes an amendment numbered 2694.

Mr. McCain. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 14, strike “\$568,685,000” and insert in lieu thereof “\$564,685,000”.

On page 15, line 13, after the semicolon insert “\$1,450,000 for payments to the 1994 institutions pursuant to Sec. 534(a)(1) of P.L. 103-382”.

On page 15, line 17, strike “\$418,172,000” and insert in lieu thereof “\$419,622,000”.

On page 18, line 2, after the semicolon, insert “\$2,550,000 for payments to the 1994 institutions pursuant to Sec. 534(b)(3) of P.L. 103-382”.

On page 18, line 11, strike “\$437,131,000” and insert “\$439,681,000”.

Mr. DOMENICI. Mr. President, I support the amendment which would provide \$4.0 million in funding to support extension, education, and capacity building programs at the 29 tribally

controlled community colleges and institutions in the United States.

I would also like to thank the committee for the \$4.6 million already in the bill for the Native American Institutions Endowment Fund.

The amounts already provided in the bill and the amount in amendment will enhance educational opportunities for Native Americans by building educational capacity at the 29 institutions.

These institutions are in urgent need for additional resources to educate their 20,000 students from over 200 tribes.

This funding would enhance student recruitment and retention for Native Americans, curricula development, faculty preparation, instruction delivery, and scientific instrumentation for teaching.

The programs that are funded under this amendment are authorized under last year's elementary and secondary education amendments which was signed into law in October, 1994.

I urge the adoption of the amendment.

Mr. MCCAIN. Mr. President, I do not believe that the amendment requires any further debate or discussion.

I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2694) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2695

(Purpose: To prohibit the use of appropriated funds for providing assistance to the United States Mink Export Development Council or a mink industry trade association.)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. BRYAN, Mr. SMITH, and Mr. LIEBERMAN, proposes an amendment numbered 2695.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . MINK INDUSTRY.

(a) FINDINGS.—Congress finds that—

(1) since 1989, the Federal government, through the Department of Agriculture Market Promotion Program, has provided more than \$13,000,000 to the Mink Export Development Council for the overseas promotion of mink coats and products; and

(2) the Department of Commerce has estimated that since 1989 the value of United States exports of mink products has declined by more than 33 percent and total United States mink production has been halved.

(b) FUNDING.—None of the funds made available in this Act may be used to carry out, or to pay the salaries of personnel who carry out, the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623), in a manner that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

Mr. KERRY. Mr. President, I send this amendment to the desk on behalf of myself, my colleague, Senator BRYAN, Senator LIEBERMAN, and Senator SMITH. I know that Senator SMITH, I think, intends to speak on this amendment. But we will not take very long at all.

Over the course of the last few years, we have become accustomed to identifying a series of programs on the floor of the Senate that most people have come to a quick conclusion do not make sense, against almost any standard or judgment. I think there are a lot of programs, we have come to realize, that have outlived original purposes, but they are still staunchly defended by entrenched special interests. There are a lot of other programs which never served the national interest at all, but they were initiated to satisfy a very powerful political interest. This appears to be one of those programs that may even fit both of those criteria, but which at this point in time does not make sense.

We had a debate earlier today about the Market Promotion Program. I joined as a cosponsor with colleagues in trying to do away with the whole program because there is, on its face, an enormous, legitimate question as to whether or not while we are cutting so much and so in so many other areas and particularly when we are making important judgments about the ability of the private sector to do what the private sector ought to do, there are huge concerns about the Government ponying up money to pay for what very big ongoing concerns ought to be able to do on their own.

There is even a greater concern—just on a philosophical basis—there is a huge concern about why the public sector ought to be subsidizing private sector entities that are entirely profitable, but we are subsidizing things that are wholly within the mainstream of the normal commercial business.

There is a second question about why we ought to do that at a moment when we are asking a whole lot of Americans to give up things.

So I am particularly asking my colleagues to think about a component, one component, of the Market Promotion Program which is the money that we pay to the Mink Export Development Council.

No matter where you fall on the political spectrum, it would seem to me that we ought to be able to reach the

common sense rational conclusion that for the United States to be asking taxpayers to subsidize the sale of mink abroad does not meet any rational test.

Since 1989, we have spent \$13.2 million for overseas promotions of minks. We ought to stop it now. We ought to signal to the country that we are prepared to stop it now.

That is an average, and it averages because it is different each year, about \$2 million a year, of hard-earned taxpayers' money that goes to promote foreign fashion shows and advertising. It is precisely this kind of special interest that most Americans are saying, when are you going to cut out this nonsense?

We are about to say a teenaged mother is not going to be able to get child care paid for, for a certain amount when she goes to work, but we can pay \$2 million to a company that makes a profit in order to help them promote mink sales abroad.

We will tell an elderly couple that we are cutting Medicare but we are going to keep the mink subsidy so this profitable company can sell mink.

We are going to tell a college student we have cut back on the PELL grants but we are not going to cut back on the mink subsidy.

We are going to tell a child we are not going to have Head Start but we are not going to cut back on the mink subsidy.

I think the arguments are very obvious and I do not need to belabor them.

I will share with my colleagues an advertisement which shows what this money is going to.

Here is money spent by the council on the sale of mink. This is in a Japanese magazine. It is in Japanese. I might add, nowhere does it say anything about America, or American mink or anything like that. It just says buy the mink.

Here is the translation: "Announcing the newest and best mink collection. Excellent material and design. A step above the rest. With our pride we will provide you with a unique opportunity to upgrade your personal style."

That is it. That is what the taxpayers of America are paying for.

Now, of the \$13 million that we spent in the last few years, 90 percent of it has gone to three companies. One of those companies is a subsidiary of a large foreign-owned corporation, and every American ought to be outraged by that.

The two principal recipients of this largess are very large companies with significant revenues who simply do not need the average taxpayers of America giving them money to subsidize a foreign fashion show.

Mr. President, let me point to these two companies. From 1990 to 1994, Hudson Bay's North America Fur and American Legends received \$11,840,866 during that period. North American Fur has revenues of \$49 million and it is affiliated with a Canadian conglomerate that has 53,200 employees and \$3.9 billion in sales.

This advertisement, this program, speaks for themselves. At a time of change in Washington this program ought to be included in that change. I hope my colleagues will join the House of Representatives who voted overwhelmingly to get rid of this ridiculous subsidy.

Mr. SMITH. Mr. President, I rise in support of the amendment of my colleague, the Senator from Massachusetts.

This is an amendment that is necessary. It should be so obvious, considering the types of debate we have been having about cuts and reductions in spending and balancing the budget.

I have always voted against market promotion programs but some like to refer to it as "corporate welfare." I am satisfied with simply calling it a costly program that frankly does not work.

That is really the issue here. If you are going to be providing subsidies, it ought to be accomplishing something, if you take a position that subsidies are necessary.

The amendment that passed the House focuses on one particularly disturbing use of Federal tax dollars which the Senator from Massachusetts has outlined. That is a \$2 million subsidy for the Mink Export Development Council.

I came in late and I apologize to the Senator from Massachusetts, I do not know if he got into the amendment specifically in terms of the language.

I will read that amendment verbatim, so we know exactly what it is that we are voting on. A virtually identical amendment passed the House by a vote of 232-160.

It is very interesting, the findings in the amendment. This is right out of the House of Representatives amendment:

(a) Findings, (1) since 1989, the Federal Government through the Department of Agriculture Market Promotion Program, has provided more than \$13 million to the Mink Export Development Council for the overseas promotion of mink coats and products; and

(2), the Department of Commerce has estimated that since 1989 the value of the United States exports of mink products has declined by more than 33 percent and total U.S. mink production has been halved.

The third finding is in the area of funding.

None of the funds made available in this Act may be used to carry out, or pay the salaries of personnel who carry out the market promotion program established under section 203 of the Agriculture Trade Act . . . in a manner that provides assistance to the United States Mink Export Development Council or any mink industry trade association.

Mr. President, if I had my preference I would zero out the entire MPP program. We do not need it. That is very obvious. That is not really what the Senator from Massachusetts is talking about here.

What we are saying is if we are going to continue to fund this program, do not use it to subsidize the mink industry. Since 1989 this program, as I indi-

cated in the findings of the amendment, has funneled nearly \$13 million into the pockets of mink producers.

What are the funds being used for? What is the use of these funds? Well, they put on fashion shows for mink coats in Europe. I am sure that people who work hard for a living every day trying to make ends meet are very thrilled about that, paying their tax dollars.

They take out advertisements to promote these shows. That is what some of the money is being used for.

Who is paying for that? Who is paying for it? It is not you and me. It is probably not even our children. It is our grandchildren and their grandchildren. They will pay for these fashion shows. They will pay for all of that interest that accumulates on the money we borrow to pay for the mink ads. That is who is going to pay, Mr. President.

So, some of my colleagues might say, what the heck is \$2 million? That is nothing, \$2 million.

I guess when you are talking about trillions it probably is nothing. But we borrow money at about 7 or 8 percent. Let us say 7 percent. So 7 percent of \$2 million is \$140,000 in interest on that \$2 million we are spending on this subsidy. Talk about borrowing \$2 million, not just 1 year, not just this year, every year, year after year after year, paying it all back with interest.

As I said many times in speaking about some of the spending in this place, there is not a big fund sitting in the Treasury Department that has a surplus in it. We have a big debt and a big deficit. So we are borrowing this \$2 million from hard-working men and women across this country who are trying to meet their child care responsibilities, maybe somebody on Medicare who really needs the money who is going to see a cut in Medicare, and we are going to fund \$2 million in mink subsidies for mink coats and advertisements in Europe. It is a wasteful, ridiculous and, frankly, embarrassing spending program. I commend the Senator from Massachusetts for bringing it here to the attention of our colleagues.

To fully understand how reprehensible this program is, there is another side to it. Some may not choose to get into it. It is the whole issue of the inhumane manner in which these animals are treated.

Some might say the funding is paramount, and it is. But I think, also, you have to look at this other issue. I would like to point it out. If it gets another vote and that makes a difference, then I am more than happy to point it out.

There are a couple of letters. The ASPCA, in a letter to me dated August 28 this year, said:

[They were] surprised to learn that the mink industry receives such a subsidy at all. Mink-rearing practices are extremely cruel. The animals often die by suffocation with hot, unfiltered carbon monoxide from motor vehicles, or are killed by lethal injection of

the pesticide Black Leaf 40, diluted with rubbing alcohol. These wild animals are raised in small cages and exhibit classic signs of serious stress such as constant pacing, throwing themselves against the sides of the cage walls, and self-mutilation.

So I think that is an issue that may be of interest to some, the fact when you wear that coat you are participating in that cruelty and you are also spending a lot of hard-earned taxpayer dollars.

So another letter, which came to me from Wayne Pacelle, Vice President of Government Affairs of the Humane Society of the United States, in which he said:

The mink subsidy is not providing a good return on investment. While the taxpayer subsidy to the mink industry has increased by 20 percent over the last 5 years, total U.S. exports of mink pelts have declined by 35 percent.

We are not getting any return on the investment we are making. So the bottom line is, it is inhumane to the animals, No. 1. No. 2, it is costing taxpayers a lot of money they should not be asked to spend, under these difficult budget times.

We ought to respect the fact that this money belongs to the people of the United States of America. It belongs to the taxpayers. We are not respecting that. The mink subsidy is not only opposed by the ASPCA and other animal rights groups, it is opposed by the National Taxpayers Union, Council for Citizens Against Government Waste, the International Brotherhood of Teamsters, the Heritage Foundation, and the Competitive Enterprise Institute—liberals, conservatives, both sides of the political agenda; pro-business, pro-labor; Democrats, Republicans. All are opposed to a very wasteful program.

In fact, just this morning—I think the Senator from Massachusetts may have referred to it—the Washington Post ran an excellent article about this mink marketing program. Just a couple of paragraphs from that article in today's Washington post. The lead story by Guy Gugliotta:

Let's face it. At a time when Congress is talking about cutting off welfare mothers, student loans and low-income housing, it is pretty hard to argue that the nation's few hundred mink ranchers need a \$2 million federal subsidy.

You cannot really say it much better than that:

It just looks bad for the feds to be paying for overseas advertising and fashion shows to promote the only item on Earth that blends naturally with diamonds and a Cadillac limo.

That really is not the image that I want to have as a Member of this Senate and it is wrong. I do not think we ought to be promoting it.

People just are not interested, frankly, anyway, for the most part, in wearing mink. That is why the exports have gone down. You can do all the marketing in the world, but if people do not like the product they are not going to buy it.

So, if we decided to start pumping millions of Federal tax dollars into

marketing zoot suits next, would people start buying them? I doubt it. But probably somebody around here might think up a Federal subsidy for zoot suits and probably would make an attempt to get it passed, if they made zoot suits in their State. But they are not in fashion. Frankly, mink coats are not in fashion anymore, either.

Where mink coats were once seen as a status symbol, now they are a symbol of cruelty. And, in addition, now, because we know they are being subsidized so extensively by the taxpayers, they are a symbol of Government waste. People are not interested in either one.

Over in the House, as the Senator from Massachusetts said, they voted to eliminate the mink subsidy. It was an easy decision. It was lopsided.

Yet here they tell me the vote is close. It is an easy decision for me. How can we tell men and women serving their country that we cannot afford to keep their military base open but we can toss away \$2 million for overseas fashion shows? Or how do we tell a young man or young woman serving in some faraway country—maybe in Bosnia, in the very near future—at a recruit pay, basic pay, some of them on food stamps; we are going to tell them that we are going to fund the mink subsidy because that is more important than them?

Will you tell the thousands of other taxpaying businessmen and women who have never received a nickel of Government subsidy? I ask my colleagues to just think a little bit about the people in your State, business men and women whom you have run into in the past few years as you have campaigned or gone around meeting your constituents. Think about them: Barbers, construction workers, union guys, business guys. They work hard. Think about them. Do you think they would support this subsidy? You ought to ask them. Give them a call and ask them, if they support this kind of subsidy; that they think their dollars should go for this?

They have to save or even borrow money to pay college expenses or to perhaps promote their business, perhaps to buy a car, or even the basic essentials of life. Maybe they cannot afford to do that. So maybe they just go around and put a leaflet on the car promoting their business. I could find hundreds of ways to use the \$2 million subsidies and so could they. Every one of them—think about it; \$2 million. That is not how the free market works.

Most successful businessmen fully understand it. The brilliance of the competitive marketplace is if you provide a service that people want for a decent price there is no limit to your success. At the same time, if you are marketing a product that nobody wants, or very few people want, you will either go bankrupt, you will go out of business, or you will start making something else, some other product that somebody else might be interested in.

That is why stores do not have racks full of outdated clothes. Once they go out of style, people are not interested in them anymore so they get rid of them. When people stop buying them you take them off the rack and you replace them with the latest fashion. This principle has worked for over 200 years in this country—200 years, long before subsidies. You start confusing the system when you start to pump money into an industry that, frankly, cannot cut it, it cannot cut it on the open market, it cannot handle it. And we ought not to be putting Federal dollars, hard earned, working men and women's dollars into such an outrageous—outrageous subsidy.

For the Government to be using tax dollars to bring an outdated fashion back into vogue flies right smack in the face of the whole free market system. There are a lot of us in here on this side of the aisle, and some on the other side of the aisle, who profess to be strong advocates of the free market system. If you are a strong advocate of the free market, if people want to buy mink coats and there is plenty of mink out there, why do we have to have the taxpayers subsidize growing mink to provide those coats? Give me one good reason. I would like to hear one good reason.

If the voters said anything in the last election, they said cut spending and restore the free market principles to our country. That is what we are doing. This is \$2 million, not a lot of money under a huge \$1.5 trillion budget. But, my goodness, what a small, little step. If we cannot take this little, tiny step to stop subsidizing the production of mink coats, if we cannot do that, then I do not have a lot of hope that we are ever going to get to reconciliation and balance the budget. The House got the message. They supported this amendment 232 to 160. They did the right thing. Let us not be the laughingstock of the Congress and approve such an outrageous subsidy. That is an insult to every hard-working man and woman in this country. I would venture to say even the very few people left who wear mink coats would probably be opposed to this subsidy. How can anybody be for this subsidy? What is the justification for this subsidy? Let us show the voters that the Senate got the same message that the House got and not be the laughingstock of the Congress by passing such an outrageous, absolutely outrageous, subsidy.

I thank the Chair. I yield the floor.

Mr. BENNETT. Mr. President, my remarks will be brief.

I could rise to talk about the MPP program. But that is not what this amendment is about. This amendment is about excluding an industry from participation in this program simply because of a group that doesn't like mink, more specifically, mink coats—95 percent of which are exported.

The Senate voted yesterday to support the MPP program. The Senate has spoken. Why are we talking about fur?

Why not grapes, cotton, raisins, wheat, or wine?

The Kerry amendment does not reduce spending for the MPP; it just prohibits funding for mink production. This amendment saves no money. Mr. President, that is the bottom line.

I urge my colleagues to oppose this amendment.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, the background of this amendment is that when the House, the other body, was considering this legislation, an amendment was offered on the floor which provides as follows: That no funds in the bill should be allocated under the Market Promotion Program to the U.S. Mink Export Development Council or any mink industry trade association.

So by this legislation there was a prohibition suggested in the amendment against allocating MPP funds for this purpose, to promote exports of U.S.-grown mink.

I think we have a big problem in trying to substitute our judgment for the decisions that the administrators of the Market Promotion Program have. This amendment does not seek to strike any funds. This amendment does not reduce the appropriation of money to the Market Promotion Program activity. As a matter of fact, we have already debated that issue. The issue was presented to the Senate by Senators BRYAN and BUMPERS. We debated it at length last night for a full hour. Most Senators had left for the evening. But we debated it, and we had a vote on it today. The vote was about 60-40, as I recall, to table the amendment.

The point was made during the discussion—I will repeat it here just briefly—that this program promotes the export of U.S.-grown agriculture commodities: food products, and the like. It is big business for the United States to sell what we produce in the export markets, and with the changes in the Uruguay round of GATT, more and more market opportunities are becoming favorable. This program has proved very helpful.

The difficulty I have as manager of the bill with this amendment is that it seeks to substitute the judgment of the Senate, and calls upon it to act on the floor of the Senate for the judgment of the administrators. I have received from the Department of Agriculture information about the program which says that mink exports in 1994 are estimated at about \$100 million. That is a substantial increase from earlier levels.

The suggestion in the information we are given is that exports to Korea alone could exceed \$40 million, which almost doubles the 1993 level. One of the associations that is involved in trying to promote the export of these products says that if it had not been for MPP funding here and the assistance that they provided to promote

U.S. mink industry products, we would not have a domestic mink industry in the United States. The fact is 28 States have mink production. In the State of Wisconsin, I remember the number is \$19 million in the local economy which depends on this industry alone.

So I am hopeful that the Senate will approve our motion to table this amendment and not get into the business of trying to micromanage and legislate changes in this program on an appropriations bill. That is what is being sought.

So at the time when Senators have spoken as much as they want to speak, it will be my intention to move to table and ask for the yeas and nays.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I hope the distinguished manager will move to table literally within minutes. I just have one quick response, unless somebody else wants to speak. My friend from Mississippi is absolutely correct. This is a question of whether or not we want to substitute our judgment. That is exactly what it is. I think most Senators would agree this is an outrageous, stupid judgment. We are not talking about computers here. We are not talking about foodstuff that is the mainstay of some developing country like wheat or something. We are talking about minks that my friend from New Hampshire appropriately said, and the Washington Post said today, blends in with diamonds and Cadillacs.

If those folks want to, let them pay a little more for the cost of the advertising, which I always thought was the notion of capitalism. That is the private sector. You make your money. You go out and you do the cost of doing business. And everybody here has railed forever about the Government being involved in the process. Here is an opportunity to get the Government out of it. It is very, very simple and very straightforward.

So my friend is absolutely correct. Do we today want to substitute our judgment and suggest that the judgment of some people that want to spend this money is wrong?

I hope my colleagues will join together and say it is wrong. I am all for exports. I am not saying no to the mink industry. I have a mink farmer in Massachusetts. I hope my mink farmer in Massachusetts does very well, and continues to. That is fine. I just do not want the taxpayers subsidizing this particular endeavor. That is what this vote is about.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I move to table the amendment of the Senator from Massachusetts and ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANTORUM). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi to lay on the table the amendment of the Senator from Massachusetts. On this question, the yeas and nays have been ordered, and the clerk will call the roll. The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] and the Senator from Wyoming [Mr. SIMPSON] are necessarily absent.

I further announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 18, nays 78, as follows:

[Rollcall Vote No. 445 Leg.]

YEAS—18

Ashcroft
Baucus
Bennett
Bond
Burns
Campbell

Cochran
Craig
Domenici
Feingold
Gorton
Grassley

Hatch
Kempthorne
Kohl
Packwood
Pressler
Specter

NAYS—78

Abraham
Akaka
Biden
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Chafee
Coats
Cohen
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Dole
Dorgan
Exon
Faircloth
Feinstein
Ford

Glenn
Graham
Gramm
Grams
Gregg
Harkin
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain

McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—4

Frist
Hatfield

Johnston
Simpson

So the motion to lay on the table the amendment (No. 2695) was rejected.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2695) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KERRY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2696

Mr. STEVENS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2696.

On page 32 of the bill, strike lines 7 through 11 and insert in lieu thereof the following:

SEC. . . For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by Congress for the Natural Resources Conservation Service, \$677,000: *Provided*, That none of these funds shall be available to administer laws enacted by Congress for the Forest Service; *Provided Further*, That \$350,000 shall be made available to the Secretary of Agriculture to administer the laws enacted by Congress for the Forest Service; *Provided Further*, That notwithstanding Section 245(c) of Public Law 103-354 (7 U.S.C. 6961(c)), the Secretary of Agriculture may not delegate any authority to administer laws enacted by Congress, or funds provided by this Act, for the Forest Service to the Under Secretary for Natural Resources and Environment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, in 1948, the Congress passed a law that provided that "no part of any appropriation for the Bureau of Reclamation contained in this Act shall be used for the salaries and expenses of a person of any of the following positions:"

Mr. BUMPERS. Mr. President, the Senate is still not in order. It is very difficult to hear the Senator from Alaska. That really means we are not in order.

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order.

Mr. STEVENS. Mr. President, I shall not take umbrage at my friend from Arkansas, because normally I can be heard. I do appreciate his concern.

As I was saying, in 1948, Congress passed a law which, in effect, cut off the salary for the Commissioner for the Bureau of Reclamation.

In 1987, under the leadership of the now deceased Jamie Whitten, chairman of the Appropriations Committee, the Congress passed Public Law 100-202, which read as follows, and I ask unanimous consent that this be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. Mr. President, I want to read it:

Office of the Assistant Secretary for Special Services. For the necessary salaries and expenses to continue the Office of the Assistant Secretary for purposes of providing special services to the Department, \$416,000: *Provided*, that none of these funds shall be

available for the supervision of Natural Resources and Environment activities, the Soil Conservation Service, or the Forest Service.

By that amendment, Mr. Whitten, in effect, defunded the salary of a gentleman named Dunlop. He held the same position in the Department of Agriculture that my amendment applies to. My amendment applies to the Office of the Under Secretary of Agriculture that primarily deals with the area of natural resources and environment. He has been supervising the Forest Service. I hope that the Senators from Colorado and Washington, and others, will address this matter.

I am concerned that the Secretary of Agriculture has considered this amendment to be an amendment that deals with a dispute as to policy.

Let me assure the former Member of the House and now Secretary of Agriculture, this has nothing to do with policy. This has to do with the decision of one person of the executive branch not to follow the law as enacted by Congress and adopted by the President.

Mr. Lyons was one of those who was the author of the President's Northwest timber plan that promised 2 billion board feet of timber. Under his leadership, the Forest Service produced 300 million board feet. After Congress released the timber sales in the recent rescissions bill, Mr. Lyons tried to prevent that sale from being released, and the Federal court immediately agreed with Congress. The Senator from Washington will discuss this. In terms of Alaska, Mr. Lyons has repeatedly refused to follow the law as passed by the Congress.

In Montana, he decided on his own not to follow the law passed by Congress with regard to a roadless area in Montana, basically making that area wilderness, although Congress had specifically decided not to designate it as wilderness.

In Alaska, we have had flagrant refusal to follow the law that has been passed by Congress. In recent months, we had an amendment that was adopted that asked the Forest Service to limit the so-called habitat conservation zones in the national forests to the size that was the largest size used for such zones in what we call "the lower 48."

Under Mr. Lyons' leadership in the Forest Service, he had designated over 600,000 acres of the area that was available for timber harvest in the State of Alaska as habitat conservation zones. One of them was one-fifth the size of Rhode Island.

After the Congress passed the law and set the maximum area for such zones, Mr. Lyons just simply refused to follow it. I do not think this is a disagreement policy. We have had our arguments on policy and we have them here. When a law is passed and that law is ignored and really just faces a complete refusal of the person with the authority to administer it, refusal of that person to follow the law, I think it sets a very bad standard for our country as a whole.

We expect our people to follow laws that are enacted by Congress. As a matter of fact, most of those people that are not in Government employment, if they do not follow a law passed by Congress, they are fined immediately. I have an appeal from one miner that was fined \$48,000 for failing to follow a directive issued orally by a person in the Government. We have repeated incidents of members of the public who are cited and brought into court, and many other things are done when they do not follow the law.

In this instance, there is nothing to be done. That is why I have raised this question. I raised the question of whether or not the Congress wants to follow the example set on at least two previous occasions and, in effect, remove the area of the Forest Service from the delegated authority of the Under Secretary. I have not gone as far as Mr. Whitten did, or the 80th Congress, in totally defunding the function. All this amendment really does is says to the Secretary of Agriculture, we no longer have faith in this person to fairly and impartially administer the laws of the Forest Service and, therefore, we redelegate the authority back to the Secretary. It is a simple matter. There is no change in the money available to the Department of Agriculture. There is no change in the money available to the Under Secretary's office, as far as his functions are concerned. But the money for the supervision of the Forest Service is restored to the Secretary's office, and the Secretary is placed back in the position of full responsibility for the Forest Service.

I cannot believe that we would allow a person to completely disregard the acts of Congress and refuse to carry them out. I am hopeful, as I said, that the Senator from Oregon may have a comment; and the Senator from Colorado, I know, wishes to come to the floor. I hope they will come to the floor and speak on this amendment.

I consider it to be just a modest shot across the bow, Mr. President. We in the West are tired of this war against the West. We want the laws that Congress passes, after long battles here in the Congress, to be observed. They have not been observed by this man. He has refused to follow them. He has refused to even keep his own word, as you will hear from other Members, concerning what he stated he would do and what he has actually done in carrying out the authority delegated to him in the past.

I am hopeful that the Senate will adopt this amendment and the House will see fit to adopt it. If we do not take action and require these people to follow the law, how can we expect the public to obey the laws we pass?

Mr. President, to me, this is a matter of simple justice. This man has refused to faithfully follow the laws that have been passed by Congress in the area in which he has been delegated authority to enforce those laws. I believe this amendment is in order.

EXHIBIT 1

PUBLIC LAW 100-202—DEC. 22, 1987

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Because the spending levels included in this Resolution achieve the deficit reduction targets of the Economic Summit, sequestration is no longer necessary. Therefore:

(a) Upon the enactment of this Resolution the orders issued by the President on October 20, 1987, and November 20, 1987, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, are hereby rescinded.

(b) Any action taken to implement the orders, referred to in subsection (a) shall be reversed, and any sequesterable resource that has been reduced or sequestered by such orders is hereby restored, revived, or released and shall be available to the same extent and for the same purpose as if the orders had not been issued.

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1988, and for other purposes, namely:

SEC. 101.¹ (a) Such amounts as may be necessary for programs, projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988 at a rate of operations and to the extent and in the manner provided for, the provisions of such Act to be effective as if it had been enacted into law as the regular appropriations Act, as follows:

* * * * *

ENROLLMENT ERRATA

Pursuant to the provisions of section 101(n) of this joint resolution (appearing on 101 Stat. 1329-432 changes made are indicated by footnote.

The words "Government", when referring to the Government of the United States will be capitalized, "Act", if referring to an action of the Congress of the United States, will be capitalized, "State", when referring to a State of the United States will be capitalized, "title" and "section" will be lower case, when referring to the United States Code or a Federal law. The capitalization of the foregoing words may be changed, and not footnoted.

OFFICE OF THE ASSISTANT SECRETARY FOR
SPECIAL SERVICES

For necessary salaries and expenses to continue the Office of the Assistant Secretary for purposes of providing special services to the Department, \$416,000: *Provided*, That none of these funds shall be available for the supervision of Natural Resources and Environment activities, the Soil Conservation Service, or the Forest Service.

OFFICE OF THE ASSISTANT SECRETARY FOR
ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, \$498,000.

RENTAL PAYMENTS (USDA)
(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of

¹ Copy read "(a) Such amounts."

Agriculture which are included in this Act, \$49,665,000, of which \$3,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services Authorized by 40 U.S.C. 486, \$20,024,000, of which \$3,245,000 is for one-time purchase of systems furniture.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of Advisory Committees of the Department of Agriculture which are included in this Act, \$1,308,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of Advisory Committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, except for expenses of the Commodity Credit Corporation, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and * * *.

* * * * *

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, never before in my career in the U.S. Senate have I considered or supported taking an action of this nature. Yet, I am convinced that, if anything, the proposal of the Senator from Alaska is too mild. Each and every one of us has had differences of opinion on matters of policy with persons in a national administration, sometimes with members of our own party, but more frequently with those of the other party. But these differences of opinion are cast in the terms of policy, not in the terms of either truthfulness or a willingness to abide by the law.

So I wish to emphasize as clearly as I possibly can that this amendment proposed by the Senator from Alaska does not stem from a difference of opinion over a matter of policy with Secretary Lyons. We differ with the entire administration on many matters of policy relating to the forests. But in the case of Mr. Lyons, we do not get truthful answers from him on questions of fact, and we get defiance with respect to the law, whether it has been on the law books for an extended period of time or is brand new, consistently. And there is a vindictive attitude toward any of those who disagree with him and toward almost all of those who are engaged in the profession of forestry in the private sector.

Let me give you just a few really very, very recent examples. Two of them come from the rescissions bill, which was passed by this Congress and signed by the President only a very few months ago. The most recent took place only last week. The bill on rescissions was, quite obviously, a controversial piece of legislation. And it carried with it, in addition to the cancellation of some spending programs, a number of substantive provisions. The first rescissions bill passed by this Congress was vetoed by President Clinton, as was his perfect right, on a number of grounds, one of which was the so-called "salvage timber" language that was included in that bill. During the period of time between that veto and the passage of a second rescissions bill, the language on salvage and other timber was negotiated literally line by line with the administration. And the administration was consistently represented by Assistant Secretary Lyons.

One of the issues was what timber was covered by one of the provisions in the bill. Secretary Lyons argued for a more restrictive provision. He ultimately asked those of us who were proponents of the language to give him a list of the timber sales that were authorized by the bill. That list of timber sales was given to him. The bill was passed. The bill was signed by the President of the United States, and immediately Assistant Secretary Lyons said that most of the contracts that were listed in the very list he had been given would not be released. He interpreted the section concerned in the manner he had advocated in these negotiations and was rejected by those negotiations.

His position has already been rejected by a U.S. District Court which stated that the meaning of the provision was absolutely clear. In spite of that ruling, Secretary Lyons has still not released the timber sales and a spokesman for his administration said, "This ruling was not an order. It doesn't direct us to do anything."

Obviously, requiring people to go back into court, once again, to enforce what Secretary Lyons understood to be the law before the law was passed, understood what it was after it was passed, understood it was after the court ruled, and understands what it is today.

Another provision in the same timber language for rescission had to do with other timber sales.

There was an extensive debate over the definition of a phrase "known to be nesting." We stated it meant (A), Secretary Lyons insisted it be amended to have the meaning (B). Secretary Lyons' position was rejected and the land which was stated to have meaning (A) was adopted and signed by the President.

Secretary Lyons immediately interpreted it to mean what he had asked us to change it to unsuccessfully. That matter is now in court.

Just last week, Assistant Secretary Lyons caused to be issued a final rule

for the implementation of a 1990 law entitled the Forest Resources Conservation and Shortage Relief Act of 1990, dealing primarily with the export of logs from State and Federal lands. Mr. President, that law was passed in 1990.

A proposed rule has been under discussion literally for years and the companies involved in this business have managed their business in accordance with that proposed rule.

On September 8, Assistant Secretary Lyons issued a final rule for the implementation of the 1990 law dramatically different from the proposed rule—dramatically different—without having had any hearings or having given any notification as to those changes, as to those differences.

That new rule will require dramatically different business practices on the part of persons in the timber industry, the failure to observe, which will subject them to great fines in business penalties. Yet, Secretary Lyons made the rule effective immediately.

The burden he has imposed is an impossible burden to meet. Later on this evening I believe that we here will adopt an amendment to this bill directing that there be a 120-day period after the time of the promulgation of that rule until it becomes effective, so that people can at least change their business practices so that they are operating in accordance with the law. Making it effective immediately can only have been designed to persecute business enterprises engaged in this business who had no notice of what was going to be included in this rule whatever.

Mr. President, other Senators have told me of numerous occasions on which they have been given specific assurances of a matter of fact by the Assistant Secretary, only to have his actions dramatically and diametrically opposed to the commitments that he has made.

Mr. President, this is a Federal officeholder who operates outside of the law who believes that the law is whatever he feels appropriate policy is and who ignores actions by the Congress of the United States totally and diametrically opposed to his philosophies.

This is not an amendment that results from a disagreement on a matter of policy. It is an amendment to sanction an individual by removing the Forest Service from his jurisdiction for deliberate falsehoods to the Congress of the United States and for deliberate violations of the law. It should not be treated on a partisan matter. It should not be treated in the manner in which Members vote to defend actions of this sort.

All of us are implicated by this kind of lawless action on the part of an Assistant Secretary of Agriculture. All of us, by voting in favor of this amendment, can pass on the message which should be a message for all administrations of both parties under any set of

circumstances, that policy differences in a free country are totally and completely appropriate, but that the law, the administrative law which applies to a given Department, must be honestly and forthrightly carried out by that Department.

That is not the case with this Assistant Secretary, Mr. President. It is dramatically not the case. We should sanction, by the adoption of the STEVENS amendment.

Mr. BROWN. Mr. President, I rise in strong support of the STEVENS amendment. I want to share with Members why I will be voting for that amendment.

Mr. President, we had discussed on this floor some of the problems associated with water policy during the current administration and prior administrations. This may seem somewhat far afield for Members who come from States where they have ample water and great resources, but, Mr. President, let me assure you the principle involved in it is extremely important for all of us.

The problem revolves around the ability to cross Federal grounds or use Federal grounds under a permit. That is an important question in Colorado because 37 percent of the State is owned by the Federal Government. Obviously, in Alaska it is a much higher percentage.

Let me suggest it is a question that every single Member of the Senate has to be concerned about. If the Federal Government owned title to a property, your State may need to get a permit to cross that ground to put down a utility line, to put down a waterline, to put down a sewer line, to lay highways and so on.

The reality is, Mr. President, the ability to get permits to cross or use Federal ground is essential for every State in this Nation. It is part of being good partners and part of working together.

What happens when those permits run out? The permits vary in length. In Colorado, they can be issued for 20 years, and some of the extensions have gone beyond that period.

What happens when a permit expires? Does it mean "tear down the highway"? Does it mean dig up the lines? Does it mean close down municipal drinking water? Believe it or not, the State of Colorado was faced with that decision.

The Forest Service, under a previous administration—not this administration, but the previous administration—suggested that for cities to renew their permit for a water line across Federal property, they would have to surrender a portion of their water rights. These offers to surrender a city's water rights started at a third with subsequent offers made for less than that.

Literally, the Forest Service suggested that to renew a Government permit to carry vital drinking water across Federal property, with no change whatever in function, the city would have to surrender a third of

their water rights or less to renew their permits.

Frankly, some of Colorado's cities did not have a choice. They had to cross Federal grounds to get water from the reservoir to the city and its inhabitants. "Extortion" is not too strong a word to describe that policy.

As all Members can understand, strong protests were raised, and when it was brought to the attention of the Secretary of Agriculture, Secretary Madigan wrote me a letter and reversed the policy, directing his Department to issue renewals of permits without conditioning them on the forfeiture of a city's water rights.

Mr. President, Secretary Madigan's policy is very important. It corrects a practice that I believe was not only illegal but terribly unfair and damaging to the citizens of Colorado and, frankly, damaging to the citizens of any State that is dependent upon Federal permits to receive their water.

Why should I offer that background for this particular amendment? I offer that background because, included in the information I will submit at this point in the RECORD, are a series of letters that I received from Secretary Madigan as he put that policy into place. Those letters formed the core of the policy followed by the Secretary of Agriculture which relates to the current Secretary and the current Under Secretary of Agriculture.

Because renewing Federal permits is a continuing problem and a continuing concern, when the current Under Secretary came before the Subcommittee for Resource Conservation, Research and Forestry of the House Agriculture Committee, Under Secretary Lyons was called before that committee to testify. He was asked directly about the Madigan letter and that very important policy. Let me quote from Congressman ALLARD.

... I'd like to proceed to a letter that was written to Senator Brown in 1992 by then-Secretary of Agriculture Madigan. And in that letter he said, and I quote from the letter, "I want to assure you that it is the policy of the Forest Service to ensure the private property rights, including water rights will be recognized and protected in the course of special use permitting decisions for existing water supply facilities. In addition, the Forest Service will recognize and respect the role of the States [in] water allocation and administration."

Mr. President, that is a quote from the letter and the commitment of Secretary of Agriculture Madigan.

Congressman ALLARD is asking Mr. Lyons if that is still their policy. His response as is apparent, and included in the transcript from that record is this: "Mr. Lyons. Yes, sir, we still operate in that manner."

Congressman ALLARD had quoted to him the Madigan letter and the policy and asked if that is still the Agriculture Department's policy and Mr. Lyons responds yes, it is. And indicates they operate in that manner.

Later on, Congressman ALLARD quotes again and says:

Well, I would just remind you that and refer you back to the letter of Secretary Madigan, of which you said you haven't changed the policies from that letter, that you do recognize the role of the States in water allocation administration. And if you do recognize that, then there shouldn't be a constant demand for water.

Mr. President, he said that. Again, Under Secretary Lyons did not correct it.

What is wrong with this? The date of that testimony was February 15, 1995, earlier this year.

What is wrong with it is this. Just recently, on September 8 we were advised by Mr. Lyons and his staff that the Madigan letter, which he had said was still in effect when he testified on February 15, had been withdrawn, in effect repealed, and all of the letter was no longer the policy of the administration.

Moreover he said the withdrawal of that letter was done in August 1994. Mr. President, what is apparent here is that the recorded testimony of the Under Secretary about the specific provision was not correct. And, moreover, he had to have known it was not correct at the time.

Mr. President, what this man did was mislead the congressional committee in response to direct questions on a direct subject.

As Under Secretary, he is in immediate supervision of the Forest Service. One may disagree with the policy—although I doubt if any Member would want their State to have permits for crossing Federal grounds canceled or have water extorted from their cities, or other extortive conditions placed upon the continued functioning of their cities or towns. But one may disagree about the policies. Nonetheless, this question with the Under Secretary is not about the policy. Men and women of good faith and good conscience can disagree about the policy. But the Under Secretary has a responsibility to the Senate and to the House and to this Government that goes beyond simply giving the President his best advice and doing the kind of job that he feels is appropriate. He has a responsibility to be honest and candid and frank with the American people and with committees of this Congress.

If this Congress turns a blind eye to an administration official who comes, testifies and misleads congressional committees, we forfeit our legitimate and important role of overview and oversight of the executive branch. In addition, we forfeit our elected responsibilities in ensuring that critical administrative policy decisions that affect the most basic needs of the citizens in our States are subject to the voices of the elected representatives of the people.

This case is as clear as it can be. We have the testimony from the committee—Mr. President, I ask unanimous consent that the transcript of the hearing be printed in the RECORD of our proceedings at this point.

I also ask unanimous consent that copies of the letter that Mr. ALLARD and I sent to Secretary Glickman, and copies of the letters we received in 1992 from Secretary of Agriculture Madigan, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HEARING BEFORE THE SUBCOMMITTEE ON RESOURCE CONSERVATION, RESEARCH AND FORESTRY OF THE COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, 104TH CONGRESS, 1ST SESSION, FEBRUARY 15, 1995

Mr. ALLARD. Mr. Lyons, I want to thank you for showing up to testify before this Committee.

I would agree with you that there are a lot of good things about the way the water is managed in Colorado. In fact, that is there because of a water management system developed by the State. And many of the streams that you talked about of free flow-in 50 years ago didn't have a flow year-round and today there is a year-round flow.

And because we provided the laws in order to manage that very valuable resource in the State of Colorado called water so that all the water comes down in the spring doesn't get dissipated out so that when we get into August and into the fall, the streams end up drying up. In fact, I can think of a number of rivers right now where there is a year-round flow out of the State of Colorado, but if you look back into the early journals of the settlers and explorers that came back into the State, they talk about digging down into the sand in order to find the water. In other words, there wasn't a flowing stream of water.

So in light of that, I'd like to proceed to a letter that was written to Senator Brown in 1992 by then-Secretary of Agriculture Madigan. And in that letter he said, and I quote from the letter, "I want to assure you that it is the policy of the Forest Service to ensure that private property rights, including water rights, will be recognized and protected in the course of special use permitting decisions for existing water supply facilities. In addition, the Forest Service will recognize and respect the role of the States and (sic—) water allocation and administration."

Is this still the Forest Service policy?

Mr. LYONS. Yes sir, we still operate in that manner.

Mr. ALLARD. Can you explain what happened in Arapaho and Roosevelt National Forests with bypass flows, then?

Mr. LYONS. Well sir, I have with me Forest Supervisor Skip Underwood from the Arapaho and Roosevelt National Forests. he can explain in detail what the negotiations led to in terms of the development of a solution to a concern that was expressed by a number of permittees regarding conditions for their permits.

But the short of it is we worked with the permittees to develop a joint operating plan for waters flowing in the Cashelocuta drainage. This successfully avoided the need for the establishment of bypass flows, which I think is your primary concern, with the exception of one stream segment, and that was a stream segment which benefitted or which was part of the permit that operated for the benefit of the City of Fort Collins.

Mr. ALLARD. The agreement was with Fort Collins. But what about the other communities in that area? You've got Greeley and Loveland and Boulder.

Mr. LYONS. They were all part of the joint operating plan. And, in fact, we've recently signed easements with all those permittees, for the continued operation of their facilities.

Mr. ALLARD. And part of that arrangement was you've demanded as part of the agreement of bypass flow, regardless of whether that was adjudicated water through the State water courts.

Mr. LYONS. Well, I don't believe we demanded that, Mr. Chairman. What we attempted to do was determine a mechanism by which we could meet our obligations under law to protect aquatic resources in a manner that would minimize the impact on the permittee. And, in fact, I think the permittee has indicated that he felt that the impacts or the permittee felt that the impacts would be fairly limited.

Mr. ALLARD. Well, the point is that you did end up with bypass flows.

Mr. LYONS. On one segment, yes, sir.

Mr. ALLARD. Yes. And you didn't go through the State courts to acquire that water right.

Mr. LYONS. That was through negotiated agreement with the permittee as a condition of the permit.

Mr. ALLARD. So it did avoid the State court provisions.

Mr. LYONS. Yes, sir.

* * * * *

Mr. ALLARD. Well, I would just remind you that and refer you back to the letter from Secretary Madigan, of which you said you haven't changed the policies from the letter, that you do recognize the role of the States in water allocation administration. And if you do recognize that, then there shouldn't be a constant demand for water.

Now you may not have a right, but you ended up with the water. You know, the States have traditionally recognized water as a private property right and has protected that right through their adjudication process, usually in the State court. And all the Western States have that type of legal process. And I think that's of real interest to this Committee. It's certainly of a lot of interest to me personally.

So I would encourage you work with the State of Colorado through the current water law that they're administering in that State.

Mr. LYONS. We fully intend to do that, Congressman. As I indicated, we have a whole slew of permits yet to be reviewed. We intend to work with the permittees, with other interested parties, and with the State. And we'll certainly work with you and other members of the delegation to try and achieve a balance in resolving these permit issues.

HOUSE OF REPRESENTATIVES, COMMITTEE ON AGRICULTURE, SUBCOMMITTEE ON RESOURCE CONSERVATION, RESEARCH, AND FORESTRY,

Washington, DC, September 14, 1995.

Hon. DAN GLICKMAN,

Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

DEAR MR. SECRETARY: On Friday September 8th, your staff asserted in a briefing that the October 6, 1992 letter from Secretary Madigan which confirmed that the Forest Service would not impose new bypass flows on existing water supply facilities had been rescinded in August, 1994. If this assertion by your staff is accurate, we have several very serious concerns about this action.

First, the interpretation of the law contained in the Madigan letter is not only correct from a legal perspective, but is also critically important to the West. Colorado and other states are experiencing significant growth at a time when it is very difficult to develop new water supplies. This means that the continued availability of existing water supplies is absolutely essential. The illegal imposition of new or additional bypass flow requirements on existing water supplies

takes water away from municipalities that need this water to supply and support their citizens and farmers that have long used this water to grow crops. In addition, the loss of these water supplies increases the demand for acquisition of new or substitute water supplies. In the case of Colorado's Front Range, the loss of these existing water supplies increases the need for new water storage facilities, which will have environmental impacts. More importantly, the loss of these supplies also leads to the conversion of agricultural water rights to municipal uses, and the resulting loss of socially and environmentally important open space currently provided by irrigated agriculture.

Second, the assertions by your staff are directly contrary to explicit representations made by you and Undersecretary Lyons in full Committee and Subcommittee. At a hearing before the House Agriculture Subcommittee on Resource Conservation, Research, and Forestry on February 15th of this year, we were assured by Undersecretary Lyons that the Madigan policy was still in effect;

"Mr. ALLARD. Mr. Lyons, I want to thank you for showing up to testify before this Committee.

"I would agree with you that there are a lot of good things about the way the water is managed in Colorado. In fact, that is there because of a water management system developed by the State. And many of the streams that you talked about of free flow-in 50 years ago didn't have a flow year-round and today there is a year-round flow.

"And because we provided the laws in order to manage that very valuable resource in the State of Colorado called water so that all the water comes down in the spring doesn't get dissipated out so that when we get into August and into fall, the streams end up drying up. In fact, I can think of a number of rivers right now where you look back into the early journals of the settlers and explorers that came to the State, they talk about digging down into the sand in order to find the water. In other words, there wasn't a flowing stream of water.

"So in light of that, I'd like to proceed to a letter that was written to Senator Brown in 1992 by then-Secretary of Agriculture Madigan. And in the letter he said, and I quote from the letter, "I want to assure you that it is the policy of the Forest Service to ensure that private property rights, including water rights, will be recognized and protected in the course of special use permitting decisions for existing water supply facilities. In addition, the Forest Service will recognize and respect the role of the States in [sic-and] water allocation and administration."

"Is this still the Forest Service policy?

"Mr. LYONS. Yes, sir, we still operate in that manner."

In addition, at a full committee hearing, you also assured the Committee that the Madigan policy was still effective;

"Mr. ALLARD. Mr. Secretary, welcome. I'd like to join some other members of this Committee in congratulating you on your appointment and subsequent confirmation as Secretary of Agriculture. And I do look forward to working with you on the issues that are facing agriculture.

"One issue that is particularly important in all of the Western United States is an issue pertaining to water and how the Forest Service is working with the States on the management plans for water.

"As you know, the Forest Service has been going around State water laws and demanding bypass water flows. And this has been a concern through 3 Secretaries of Agriculture and two Presidents.

"When Secretary Madigan was running the Forest Service, he sent a correspondence to

Senator Brown assuring him that—that's the senator from the State of Colorado—assuring him that it is a policy of the Forest Service to ensure that private property rights, including water rights, will be recognized and protected in the course of special use permitting decisions for existing water supply facilities.

"He further stated in his letter, "In addition, the Forest Service will recognize and respect the role of the States in water allocation and administration."

"Mr. Lyons assured me in February that it is the Forest Service's policy, now that you are heading up the Department do you agree that this should be the policy of the Forest Service?"

"Mr. GLICKMAN. Absolutely."

The entire focus of the Madigan letter was on the issue of bypass flows. The letter promised that the Forest Service would protect private property rights and preserve state water allocation systems, and explicitly explained that this interpretation of the law meant that new bypass flows would not be imposed on existing water supply facilities. Both you and Undersecretary Lyons affirmed, without any qualification, limitation, or exception, Secretary Madigan's interpretation of the law on this issue. In light of your "absolute" ratification of these principles, your staff cannot credibly assert that your commitment meant something other than a complete acceptance of Mr. Madigan's conclusion that the Forest Service did not have the legal authority to impose new bypass flows on existing water supply facilities.

Finally, the purported rescission of the Madigan letter occurred over a year ago. Since that time we have discussed the Madigan letter with you and Mr. Lyons on numerous occasions, and made it clear that this is a very important issue. Your failure to even disclose the existence of the August, 1994, action in the course of these subsequent discussions is incomprehensible, particularly in light of your absolute affirmation of the letter before the full committee.

In light of the withholding of this information, it is necessary for us to obtain, within 30 days of the date of this letter, copies of all documents, including telephone messages and logs, information generated or stored in computerized form (including E-mail), correspondence, memoranda, and other form of data or information in the possession of the Forest Service and USDA which relate or refer to the Madigan letter from November, 1992 through the present time. We would also like a written response by Monday, September 18th as to whether you will comply with this request.

We are deeply disappointed by this turn of events. We had hoped that you would use your tenure at the Department to ease tensions between western members of Congress, their constituents and the Department. Unfortunately, it appears that instead you are continuing the anti-West agenda this Administration began in 1993.

HANK BROWN,
Senator.
WAYNE ALLARD,
Congressman.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 5, 1992.

Hon. HANK BROWN,
U.S. Senate,
Washington, DC.

DEAR HANK: Thank you for your August 12 letter regarding the renewal of special-use permits for water supply facilities on the Arapaho/Roosevelt National Forest in Colorado. I understand the importance of this issue to cities throughout the west that depend on facilities located on national forest lands for their water supplies.

This is a complex issue, but one that I believe has been resolved in a manner that is satisfactory to all interests. This progress is due in no small part to your ongoing interest and leadership in this important area.

I want to assure you that it is the policy of the Forest Service to ensure that private property rights, including water rights, will be recognized and protected in the course of special-use permitting decisions for existing water supply facilities. In addition, the Forest Service will recognize and respect the role of the States in water allocation and administration.

I agree that the Forest Service should not take actions that reduce historical water supplies from facilities located on national forest lands. The Forest Service will reissue permits for existing water supply facilities for 20 years with provisions to recognize and respect both the rights of the applicants and the multiple use objectives of the national forests. New bypass flow requirements will not be imposed on existing water supply facilities. However, unless amended, all permits will authorize only historical water rights associated with existing facilities. The permits will also obligate the permittee to accommodate resource goals of the Forest. This accommodation will be to the extent feasible without diminishing the water yield or substantially increasing the cost of the water yield from the existing facility.

In summary, special-use permits for existing water supply facilities will:

Authorize the use, operation, maintenance, repair, and replacement of the existing facilities described in an enclosure to the permit for the exercise of the water rights and water conservation or management practices described in an additional enclosure to the permit. The permit will not authorize expansion or enlargement of the facilities or water rights, water conservation, or management practices described in the enclosure.

Require the permittee to operate the facilities in a manner that accommodates the resource goals of the national forest without reducing the yield of the water rights or significantly increasing the cost of the water yield from the existing facility.

Require the permittee to provide the Forest Service, on an annual basis, a copy of the official records of the State agency having responsibility for administration of the water rights for the facilities described in the enclosure.

I am pleased to see that progress has been made on this issue and will instruct the Forest Service to reissue permits in accordance with this letter. I have asked the Chief of the Forest Service to initiate discussions with local interested parties to identify ways for carrying out the provisions and objectives of the individual permits.

Sincerely,

(For Edward Madigan, Secretary).

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, October 9, 1992.

Hon. HANK BROWN,
U.S. Senate,
Washington, DC.

DEAR HANK: This letter is a follow-up to the one I sent to Senator Wallop on October 6 in response to his August 12 letter regarding special-use permits for water supply facilities on the Arapaho/Roosevelt National Forest in Colorado.

You asked for clarification of what is meant by the following sentence in paragraph 4 of my October 6 letter: "New bypass flow requirements will not be imposed in existing water supply facilities."

The entire October 6 letter is directed at clarifying conditions for renewing permits

for existing water supply facilities only, and is not intended to pertain to new water supply facilities or expansions of existing ones.

An underlying principle for renewing permits for existing facilities, as stated in the same paragraph of the October 6 letter as the sentence in question, is: "... unless amended, all permits will authorize only historical water rights associated with existing water supply facilities." The sentence in question is intended only to emphasize that no new bypass requirements will be imposed beyond any that may have been specified in the old permit for the existing facility.

Sincerely,

(For Edward Madigan, Secretary).

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, November 3, 1992.

Hon. HANK BROWN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BROWN: Thank you for your September 21 letter to Secretary Edward Madigan on behalf of the cities of Greeley and Loveland, and the Grand County Water and Sanitation District, regarding the Forest Service position on bypass flows. The Secretary has asked me to respond to your letter.

Secretary Madigan's October 6 letter to you clarified our policy that ensures protection of private property rights, including water rights, when renewing special use permits for existing water supply facilities. This same policy applies to Greeley, Loveland, and the Grand County Water and Sanitation District facilities. The Forest Service will reissue special use permits for the city of Loveland's hydroelectric project on the Big Thompson River and Public Service Company of Colorado's hydroelectric project on Middle Boulder Creek consistent with the conditions of the Federal Energy Regulatory Commission licenses for the two projects.

We appreciate the interest of the respective City Officials in operating these facilities in harmony with the environment. The Forest Service will continue to work with the municipalities to achieve this objective.

Sincerely,

JOHN H. BEUTER,
Acting Assistant Secretary,
Natural Resources and Environment.

Mr. BROWN. Mr. President, the documentation is clear. I see before us on our desk a letter from Secretary Dan Glickman. Mr. President, I want to tell you I have the utmost respect for Secretary Glickman. I served with him in the House. I know him to be a person of integrity and honesty. We did not always agree but I respect his judgment and I respect his honesty. I do not believe Secretary Glickman would ever intentionally mislead this body or mislead the House or mislead anyone else. He is a person whose word can be counted on.

That does not mean that he was never incorrect. All of us get inaccurate information and Members will see referenced in those items a question that was raised. But I have no doubt in my mind that Secretary Glickman was honest and forthright and gave the best information which he had been given by his staff.

Mr. President, the question that is before us does not simply concern Secretary Glickman's letter. It ought to

be given heavy weight. He is a thoughtful, reasonable person and his preferences deserve significant consideration. But as Members ponder the question placed before us by Senator STEVENS, they must also ask themselves this question: What do you do with an official who is actively involved and supervises the repeal of a major policy decision in 1994, and a few months later in testimony before Congress conceals the fact that the policy decision was reversed and the letter stating it withdrawn, and in fact testifies to the contrary?

Mr. President, this Senate must act. We cannot turn a blind eye. If we are to complete our responsibilities and do our job, we must insist that the Under Secretary either be frank, straightforward, and honest with Congress or we must get a new Under Secretary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I must disagree with my good friend. I understand his concern. I understand his disagreement with the Under Secretary. But I hope one might take a look at the letter from the Secretary of Agriculture. Let me read one of the things Secretary Glickman says.

When Congress differs with the Department's policies carried out by the Under Secretary, I recommend, and hope, we debate those policies on their merits; we will arrive at a much more satisfactory resolution of whatever disagreements may exist than we would by permitting policy debates to devolve into personalities.

The Secretary, who was a distinguished Member of Congress himself, was not unaware of how Members of Congress can express dissatisfaction with administration and administration policies. The Secretary served here in both Democrat and Republican administrations, as have I and the Secretary, like I have, would disagree with policies of both Democrat and Republican administrations and would fight to change those policies. But he, like I, would not think to do it by making basically personal attacks, an *ad hominem* attack against a member of the administration.

Secretary Glickman goes on to say:

The amendments would, if adopted, set an alarming precedent that will no doubt continue under future Administrations. The precedent will, I fear, encumber, not enhance, our ability to resolve disagreements and will unnecessarily complicate arriving at mutually acceptable public policies.

Frankly, if each time we disagree with the Secretary, or anybody else, if we take our disagreement to the floor and try to eliminate that person's job, I agree that is not the precedent to set. I say that again, as one who, over 21 years here, has disagreed with policies set by those in the administration, both Democrat and Republican. But where we have disagreed I have sought ways to change those policies either by going directly to the administration and, when unsuccessful there, to write new legislation that might change the

policy. I cannot recall any time that I sought to eliminate the person's job in doing it because I daresay in virtually any policy that is going on in any administration with 100 of us, there are going to be 40 to 50 different disagreements.

Are we going to be here as in the Dracula hours of legislation, those hours when actually legislation gets voted on after dark, after our families have gone home, after our families have gone to bed, and in keeping with the new family-friendly Congress, when we finally get around to decide to start voting on these things? Are we going to have 40, 50, 60 amendments out here attacking 40, 50, 60 individuals in the administration, this administration or the next administration or the administration after that? I do not think it is the way to do it. It does not make for good legislation. It does not make for good public policy, and it does not change things that we might want to change.

It is far better, if we have differences, to go to the Cabinet member who is the head of the agency. I know Dan Glickman, the Secretary of Agriculture. I daresay there is not a Member of this body who, if he or she called Secretary Glickman, who would not get a phone call back immediately, and they would be able to talk to him.

I have worked with Secretary Lyons, who I have found to be very helpful. I have found him to be very forthright, forthright not to tell me when he disagrees with me, and he will not do the things I might want. But we either agree or we disagree. If we go off and say that somehow because we disagree with him because of the law that he should be stripped of his authority, would we not have done that in the past administration? If we wanted to do that, think of the previous Assistant Secretary under the Bush administration.

The Federal court in Seattle found the Bush administration had violated the National Forest Management Act. That is not just one individual Senator's feeling that maybe they were not following the law; a Federal court found they violated the act. Have we seen Members of the Senate on either side of the aisle rush to the floor to introduce legislation to say the Bush administration has been found by the Federal courts to be in violation of the law, and, thus, the Assistant Secretary who is in charge of carrying out that law—we are going to get rid of him? I do not recall anybody doing that.

Nobody went to strip Assistant Secretary Jim Moseley of his authority. What we did was say here is what the Federal court has ruled. Here is what we are going to do as a law, and, if we want some changes in that law so they will fit under our policies, we will vote and we will change the law. But nobody came in here and said the Federal court has said the Bush administration is not following the law, and therefore, we are going to strip the Assistant Secretary.

We have a difference of policy. We have a difference of policy. We are not changing policy by legislatively firing somebody. Section 318 means in the end it is going to have to be decided by the courts. If we fire every Assistant Secretary who loses a lawsuit, we would have fired a whole lot in the last administration and, I suspect, the administrations before them. But that is not the precedent that we want to start.

I have found the Assistant Secretary to be forthright in his dealings with me. Like everybody else in this administration, I found times when I agree and sometimes when I disagree. I have found disagreements in the members of the Clinton administration, the Bush administration, the Reagan administration, the Carter administration, the Ford administration, and all administrations which I served in. I do not ever recall having a disagreement with anybody in any one of those administrations where I came in the floor and said, "Let us pass a law to fire him" because of my disagreement with him. I would not want to see that precedent started. I did not see that precedent in the Ford administration nor the Carter administration nor the Bush administration, and I certainly would not want to see something to start in the present administration.

Mr. STEVENS. Will the Senator yield?

Mr. LEAHY. I yield.

Mr. STEVENS. Does the Senator recall a precedent of Jamie Whitten securing the defunding of precisely this position in 1987 for about the same reasons? This is not a partisan matter. This is not a personality matter. This has happened before. It is not a precedent.

Does the Senator know that?

Mr. LEAHY. I can think only of the things I recall on the floor of the Senate, and that was not a matter I recall on the floor of the Senate, I say to my friend from Alaska. I am saying we can change policy. We can vote to change policies. But I do not ever recall voting to support the legislative firing of any member of any administration, Republican or Democrat. That is not the way we do things in Vermont. That is not the way I do things.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this is not a question of changing the law or not changing the law. As the Senator from Washington pointed out, we passed a law in the rescissions bill to facilitate the Forest Service to carry out salvaging timber operations. The law was changed, and immediately after that in dealing with Mr. Lyons, he did not agree with the law, and said as much, and said, "I am not real happy about that. I do not think I will carry it out." And he said it before a

committee, the Energy Committee. So we changed the law.

If he has been less than candid and straightforward with the committees and with the Congress of the United States of America, can we also say that maybe he is less than candid when he starts advising his President and the President has to start making decisions based on the information given to him by the Under Secretary of Agriculture?

I am saying the credibility has disappeared. And he is not serving his President or this country very well. In that rescissions law there was nothing in there that told the Under Secretary of Agriculture to sign a memorandum of agreement with four other agencies or three other agencies in order to carry out the salvaging of timber, both that timber that was damaged by fire, the fires of 1988 and the fires of 1994, or the dead and dying trees that we have in our National Forest. For, you see, when a tree dies, the longer it stands it loses value, and pretty soon the value is such that they will not be bid on at all.

So if you do not like the policy that has been put forth even by the President or by the Congress, you go into a delaying action. Basically, that is what has happened here. So it is not a question of partisan politics.

It is a question of arrogance, a question of being less than candid and less than straightforward with the Congress of the United States, and I would also say probably with the President and his people who have to make decisions on policy with regard to management of natural resources on our public lands.

That is what this debate is all about. My heavens, if it was one person who disagreed with Mr. Lyons, I do not think you would hear anybody standing on this floor supporting this amendment. So the frequency and the variety of it also lends to that of being pretty much on target whenever we start trying to make some policy decisions. Here is somebody who is getting in the way of public land managers, professional land managers who know how to manage national forests, who know how to grow and harvest a product for the United States of America and for all the people who live here and yet has his own personal little agenda, and he disregards the law of the land in his dealings with the Congress of the United States.

So I rise in support of the Stevens amendment. It is not an action that we enjoy. It is not an action that is without precedents. In fact, it is an action that we would try not to be a part of but is serious.

So I support the Stevens amendment, and I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I feel inclined to share with my col-

leagues my own personal feeling about the process that is underway here. Ordinarily, the President has the right to name his team to carry out his policies, and that is just the way it goes. You may not agree with those policies from time to time, but ordinarily we are able to work under a situation where we are able to communicate our point of view. While we may not always prevail in a situation such as we have here, where we have both the House and the Senate controlled by one party and our executive branch controlled by another party, we can still communicate and maintain a dialog and represent our constituencies.

Now, we are able to do that with the Secretary of Agriculture. There is absolutely no question. We have invited him up to our State of Alaska. He has met with us. We have expressed concerns. He has been responsive. Unfortunately, I cannot say the same thing about the Under Secretary for Natural Resources, Under Secretary Lyons.

I serve as chairman of the Energy and Natural Resources Committee. The Under Secretary has appeared before us on numerous occasions. While this debate may seem a debate focused on the West, let us remember that we have some unique natural resources, and timber is certainly one of them. We are blessed with those resources. Timber is a renewable resource. There is an industry that is dependent on it. It previously had been managed within the Forest Service by professionals who have dedicated themselves to, and come from, an approach to forest management based on the renewability of that resource. We need wood fiber; we need timber; we need paper products. With proper management we have that capability on a sustained basis.

That has been the whole concept of harvesting within our national forests. For the most part, that process has worked. Unfortunately, we seem to have in Mr. Lyons an Under Secretary who is going to manage lands as he sees how the public lands should be managed as opposed to the professionals.

We have seen a mass exit of professional forest managers from the Forest Service within the last few years. That is, indeed, unfortunate. It is my understanding that the proposal from the senior Senator from Alaska would be to not fund the Office of Under Secretary for Natural Resources. It has been addressed that, indeed, this is not a precedent. It has been done before. The purpose would be to transfer his reporting authority directly to the Secretary.

I hope my colleagues who are not from the West have listened to this debate carefully, because you have heard from all points of the West. You have not just heard from Alaska or Colorado. You have heard from Washington; you have heard from Idaho; you have heard from Montana. All of these are areas that have been heavily impacted by this Under Secretary's management according to the world as he sees it.

I am not going to repeat the specific points that have been brought up, the references to meetings, the references to not carrying out what were perceived agreements. But clearly, Members of the Senate, we have here an Under Secretary whose policies are not working. They are not working in communications with us. They are not working in concert with us.

I think it is appropriate to reflect that, in the last year of the Clinton administration, this is the first time we have had this unique situation where we have an individual with whom we simply cannot deal. So I would encourage you to reflect that something is clearly wrong here. We have a situation that is not working.

This is an extreme action, I agree, but we have had many conversations. We have tried to work out differences. But he seems to have a personal agenda virtually disregarding those of us who have a dependence on the national forests.

This is simply not the way to carry out public administrative responsibility. I can honestly say in my efforts to communicate with Mr. Lyons, I found a total insensitivity in the manner in which, while listening to our concerns, there was virtually no policy direction toward the points that we made or the people who were affected in our various States.

So I think this action is in order. And while I listened to the comments from the Senator from Vermont suggesting this is not the way to do things, I do not know how we should do things relative to the manner in which Mr. Lyons is carrying out his responsibilities, because it is simply not working. It is not my intent, by any means, to embarrass the administration. If this were a different situation, different administration, and we had the same set of circumstances, I would like to think I would be up here doing the same thing. I firmly believe we have an extraordinary situation that we simply cannot ignore, and we would be shirking our responsibilities as Senators representing States with national forest lands to just suggest this is a situation we can live with, because clearly we cannot. So I intend to support the Stevens amendment.

I thank the Chair. I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, without losing my right to the floor, I would like to yield to my colleague from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague, Senator BUMPERS, for yielding. I am here, Mr. President, not to participate in this debate but just to state that it is now 8:20 p.m. There seems to be a large number of Senators gathering in the Senate.

I assume that means there are going to be more speakers. I am just wondering if we could get some sort of word

from the distinguished manager as to whether we might set a time certain to vote on this amendment or as to the possibility of perhaps stacking this vote early in the morning with another series of votes, otherwise we might go until midnight and never have a vote. I am just wondering if the distinguished manager might comment on this.

Mr. COCHRAN. Mr. President, if the Senator would yield to me.

I am prepared to respond and advise the Senate that the majority leader has given his consent and as a matter of fact requested that we try to identify the amendments, get time agreements on them, and stack votes tomorrow, and vote on final passage tomorrow. The point is, that we will continue to work here tonight though on those amendments we cannot agree on for votes, and with time agreements tomorrow. So this may not be the end of the session as far as the managers are concerned and Senators who have amendments.

But we know of, for instance, this amendment which will require a vote. We know the Senator from Arkansas, the Senator from Nevada, have another amendment on the Market Promotion Program; and that will require a rollcall vote. The Senator from Wisconsin, Senator FEINGOLD, has an amendment to strike special grants, research grants from this bill. And we cannot accept that, so we will have to move to table that and ask for the yeas and nays.

Those are three amendments that I know of that will require rollcall votes. We hope that the others will either not be offered or we can accept them on a voice vote and work out something that is satisfactory that would not require a rollcall vote. We are trying to see if we can do final passage on a voice vote. I would have no objection to that, if no one Senator insists on a rollcall vote. That means we could vote on the conference report when it comes back with a rollcall vote.

I am told we do have to have one vote. We have to vote on the Stevens amendment. I have just been advised on that. It would be nice if everybody got their stories straight and requests before I made these announcements like I knew what I was doing.

Mr. LEAHY. Why do we not just vote on it?

Mr. COCHRAN. I think we are prepared to vote. There are a couple other Senators that need to speak on the Stevens amendment. Why do not we do this and get the Stevens amendment over, and as we vote on that we can announce the schedule for the evening and tomorrow rather than talk about what we are doing. Rather than talk about it, let us just do it.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will be very brief, and following the few remarks I have will move to table the amendment. So we will have a vote here very shortly.

First of all, I want to say that I understand some of the frustrations my Western Senator friends experience. Let me also say that while I am not a Western Senator, I have experienced a lot of the same frustrations but in other areas. I got terribly agitated at one time about the National Forest Service not allowing what I thought was an adequate timber cut in the Ouachitas and Ozarks that was having an adverse effect on the industry.

But let me just say—and I do not want to argue about these specific things. I know that Judge Hogan handed the Northwest a big victory this week in Federal court. That is exactly where these issues ought to be resolved. I labored 12 years under Presidents Reagan and Bush disagreeing with a vast majority of their policies and their interpretations of the law.

When I was Governor—and this is not unusual at the State level—occasionally some legislator would establish some little cabal with other members of the legislature because they had it in for somebody because they did not get what they wanted, and I would invariably have to deal with them or use a line-item veto.

Now, Mr. President, bear in mind we have serious disagreements on policy around here. We have serious disagreements on the interpretation of the law. Some people hate the Endangered Species Act and they do not want it enforced under any conditions, and so any excuse they can find to lambaste whoever is charged with the responsibility of enforcing it becomes the focal point.

But the Senate cannot be judge, jury and executioner under our Constitution. The genius of the Constitution is we have three branches of the Federal Government, Mr. President. And there is not a single Member of Congress that would change one jot and tittle. Sometimes there are so many changes proposed around here on the Constitution you would think it was just a rough draft, and that we were charged with the responsibility of finishing it.

Whether you like Bill Clinton or not, he is the President. Whether you like the people he hired or not, that is his prerogative. Whether you like the policy or not, they are charged under the last election with the responsibility of setting policy. And if you do not like the way they enforce the law, take them to court, as the Northwest did. Judge Hogan just gave, as I say, I think 1,700,000,000 feet. And that is a real victory for Oregon and Washington. I might also say that it was Bill Clinton who went to the Northwest and crafted a plan, which somebody said tonight Secretary Lyons was the focal point of this debate, Secretary Lyons crafted the agreement, and got it out from the court.

Let me remind you of something. The Northwest had been stopped dead in its tracks for timber cutting, long before Bill Clinton was elected President, by the courts. And because of the Con-

stitution, there is not anything much anybody can do about that except appeal it or elect somebody who will change the law.

So I just want to say, I might agree with the Senator from Alaska about a particular personality, I might even agree with the Senators from Alaska, Montana and Colorado and Idaho on a policy that I think the administration is wrong on. But I have never, nor will I ever, come to the floor of the U.S. Senate and try to cut somebody's salary off or say, "You may not, Mr. Secretary, delegate this responsibility and that responsibility to this person or this office."

This amendment does not categorically say that we are cutting the salary of Secretary Lyons. What it says is we are giving the money from his office to the Secretary, and the Secretary is charged with the responsibility of taking away from Secretary Lyons any responsibility in the area he now administers relating to forest management issues. It is a dangerous precedent.

Finally, Mr. President, I want to remind my good friends over on the Republican side of the aisle, things always change. There is just a possibility, just a possibility, that one day in the not too distant future there will be more seats on this side of the aisle than there are on that side, there will be a Republican in the White House. You set a precedent like this, those things that are bad policy for the U.S. Senate have a tendency to come home to haunt you.

It is a very bad, in my opinion, flailing of the Constitution to say, "Mr. Executive Branch, we will decide who you can hire. We will decide who you can keep."

We are the legislative branch. We should recognize it and we ought to honor the Constitution and the legislative branch.

Mr. President, I move to table the amendment and ask for the yeas and nays.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. At the moment there is not a sufficient second.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. CRAIG addressed the Chair.

Mr. BUMPERS. Mr. President, do I still have the floor?

The PRESIDING OFFICER. Yes.

Mr. BUMPERS. Mr. President, I do not know how many more people want to speak around here. Everybody has been parading to my desk to say, "Let us vote. Let us vote." I thought everybody on this side that spoke—even the Senator from Idaho had forsaken his chance for 5 minutes.

Mr. BAUCUS addressed the Chair.

Mr. CRAIG addressed the Chair.

Mr. BAUCUS. Would the Senator not move to table for maybe 5, 6 minutes? I think the Senator from Idaho would

like to make a brief statement, and certainly I would like to make a brief statement.

I would urge the Senator to withhold.

Mr. BUMPERS. Mr. President, I want people who have not spoken to have the opportunity to do so. If the Senator from Idaho wants to speak for 5 minutes; the Senator from Montana wants to speak for 5 minutes, I am not going to disagree with them.

Let me propound this unanimous consent request: That the Senator from Idaho be given 5 minutes and the Senator from Montana 5 minutes, after which I will be recognized to table the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, a great deal of what the Senator from Arkansas has spoken to this evening is true. He and I do not disagree in the way that policy should be managed. We may disagree on the substance of policy, but I think both he and I respect the process, and we certainly respect the law.

The great frustration we have this evening, Mr. President, when we talk about this particular Under Secretary, is his arrogance in ignoring the law. Right after this administration came to power and this Under Secretary took power, he inherited a set of draft regulations that were being formulated as a result of this Congress under Democrat rule having passed an appropriations bill with appeals language. Very specifically, that bill spoke to the kind of appeals language we wanted to see inside the U.S. Forest Service.

This Under Secretary ignored that law, ignored the draft regulations, and went in an opposite direction totally. That is why we have this fight on the floor tonight. Amongst other things, he ignored the law. He ignored law that was crafted by a majority Democrat Party of the U.S. Senate.

That is the reality we are facing. Try to find a reason to defend this man for his actions and my guess is, you will have difficulty.

I would like to add to the RECORD a letter tonight which speaks to how this Under Secretary has handled his responsibility.

This letter is addressed to Michelle Gilbert, U.S. Department of Justice, Environment and Natural Resources Division, and it says:

This letter is to inform you that the Northwest Forest Resource Council will move this week for an order to show cause to hold Jim Lyons in contempt of court.

Yes, the judge ruled, but Under Secretary Lyons ignores. That is what we are facing.

I would agree with you, we should not be crafting policy in the public courts of this land, but when a member of this administration ignores the law and the court tells him to do some-

thing and he continues to ignore it, then one finds it necessary to move for contempt of court. It is beyond my memory that any member of the Bush administration was held in contempt of court. That is why I very reluctantly agree with the Senator from Alaska.

This is no way to deal with anyone in Government, but when nothing else can deliver the message to this person, and now he is being held in contempt of court, it is time that this Senate speaks out. Time and time again, he has ignored our actions.

I cannot understand why anyone from either side of the aisle would argue in defense of this person when he puts together a Forest Service reorganization plan and begins to implement it and does not even seek our counsel. We have that responsibility to craft public policy. We demanded that he come up here, and that was a bipartisan request.

The Senator from Montana is here. The Under Secretary attempted to wipe out a major unit of the Forest Service in that Senator's State. And we said, "No, that is no way to run this place. Come sit down with us and work out the differences," and we finally forced him to do that.

That is why the Senator from Alaska, and a good many of us, have thrown our hands in the air and said, "What are we to do if we write law and it is ignored. This individual is ultimately gutting an organization in a way that makes it incapable of managing the public laws of this land that we have passed?"

So I hope tonight the Senate will uphold the motion of the Senator from Alaska and not vote to table. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to take my full 5 minutes. We are presented with a problem here. On the one hand, those of us who know Under Secretary Lyons, who have dealt with him, at the very least, question his policies and question the advisability of him staying in office. On the other hand, I think we all agree that it probably is not wise, and it is not good policy to fire somebody by legislation.

The better route would be for us to change policy when we disagree with what an administration is doing, and work to try to get the person involved to change the views he has taken.

I, frankly, am disappointed with Under Secretary Lyons for many reasons. I supported his confirmation, voted for the confirmation. Unfortunately, due to a whole host of things that have occurred, some of which have been referred to tonight, I must say the time has come, in my judgment, for Under Secretary Lyons to gracefully tender his resignation.

I do not support the amendment before us, only because I think this is just not good policy. It is not good policy for us by legislation to fire somebody in the executive branch. There

are better ways of doing this. I urge Senators to not support the amendment offered by the Senator from Alaska. But I also urge Under Secretary Lyons to not only listen to the words, but listen to the music and realize that he should probably leave.

We have a saying in the West that when someone has crossed the line and gone too far "he's broken his pick." Regrettably, Under Secretary Lyons has broken his pick in the West. The time has come to make some changes, not by legislation, but by urging Secretary Lyons and the administration to find some graceful way for him to no longer hold the position that he now has.

So I urge my colleagues to oppose the amendment, and I strongly urge not only Under Secretary Lyons but others involved to take appropriate action and put this matter to rest.

Mr. BUMPERS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that the Senator from Oregon [Mr. HATFIELD] is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN], the Senator from Ohio [Mr. GLENN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 51, as follows:

[Rollcall Vote No. 446 Leg.]

YEAS—42

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Graham	Moseley-Braun
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Exon	Leahy	Wellstone

NAYS—51

Abraham	Chafee	DeWine
Ashcroft	Coats	Dole
Bennett	Cochran	Domenici
Bond	Cohen	Faircloth
Brown	Coverdell	Frist
Burns	Craig	Gorton
Campbell	D'Amato	Gramm

Grams	Lugar	Shelby
Grassley	Mack	Simpson
Gregg	McCain	Smith
Hatch	McConnell	Snowe
Helms	Murkowski	Specter
Hutchison	Nickles	Stevens
Inhofe	Packwood	Thomas
Kempthorne	Pressler	Thompson
Kyl	Roth	Thurmond
Lott	Santorum	Warner

NOT VOTING—7

Dorgan	Jeffords	Moynihan
Glenn	Johnston	
Hatfield	Kassebaum	

So the motion to lay on the table the amendment (No. 2696) was rejected.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2696) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, I am going to propound a unanimous-consent agreement in hopes the Senate will approve our setting over until tomorrow all remaining votes on amendments that require votes. So I put the following request.

I ask unanimous consent that all remaining amendments in order to H.R. 1976 under the previous consent agreement must be offered and debated tonight and that any rollcall votes ordered with respect to those amendments be postponed to occur beginning at 9:45 a.m. on Wednesday.

Mr. CONRAD. Reserving the right to object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. He is just reserving.

Mr. CONRAD. Mr. President, I ask the managers, we have worked for some time today to try to figure out if there was a way of working out an amendment. We have just received word from CBO that the means of paying for it are not acceptable, and I am wondering if there is a way for us to have the evening and potentially a vote tomorrow; that we have a place reserved for a vote if we are able to find an offset, but one that might not be agreed to on both sides so that we can at least have a vote.

Mr. COCHRAN. Mr. President, if the Senator will yield under his reservation, I think that certainly would be possible in this way. The Senator can offer his amendment tonight, say whatever he wanted to in support of it, and I could move to table it and ask for the yeas and nays. That will be voted on tomorrow. The Senator could be assured that there would be a vote on his amendment tomorrow.

Mr. CONRAD. Let me ask this. Will the managers agree to permit me to modify the amendment, if we were able to find an alternative means of financing it, overnight, working collectively, together?

Mr. COCHRAN. Mr. President, if the Senator will yield further, I certainly would not arbitrarily or capriciously refuse a legitimate request for a modification. If the amendment is changed entirely in its nature, I could not agree to that.

Mr. CONRAD. No, if we were to have a gentleman's understanding—I have full faith in the word of the Senator from Mississippi and in his good faith.

Mr. COCHRAN. I think the Senator could be assured we would not arbitrarily refuse such a request.

Mr. CONRAD. That will certainly be sufficient for me. Would we be modifying, then, this unanimous-consent agreement, or would it not require a modification?

Mr. COCHRAN. I do not think it is necessary with that understanding.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

The Senator from Arkansas.

Mr. BUMPERS. Reserving the right to object, the Senator from North Dakota has an amendment for which he has not yet found a suitable offset. It needs to be understood by everybody, if he offers the amendment tonight he will be offering it without an offset. That is, I assume, the modification that he wants to make, as soon as he hears from CBO.

What we need to clarify for sure is, if the Senator from Mississippi moves to table his amendment tonight, the agreement should be that even though a motion to table had been made, that he would have a right before the vote tomorrow to modify, to set out what the offset is. Is that a fair statement?

Mr. COCHRAN. That accurately reflects my assurance and the understanding I would be happy to have with the Senator.

Mr. FORD. Will the Senator yield for a minute? I ask the manager of the bill, should that not be in the agreement? If the offset is found, it has to be agreeable, I suspect, to the manager. You just would not take any arbitrary offset.

Mr. COCHRAN. I am not agreeing to support the amendment, that is what I am saying.

Mr. FORD. I just want to be sure that someone who is not here tonight, in all respect to their position and their ability, if it is not in the unanimous-consent agreement and they come in here and object to it—even though the Senator is very persuasive that does not happen—then my friend from North Dakota is excluded, I think, from making his modification once the Senator has moved to table and ask for the yeas and nays.

Mr. COCHRAN. I respect the suggestion. I have no problem including that in this agreement if the Senator would like to insert that in this agreement.

Mr. FORD. I think the Senator needs to do that, and I hope he would.

Mr. COCHRAN. Mr. President, I modify the request to include the right of the Senator from North Dakota to

modify his amendment to show a different offset on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, for the information of all Senators, there will be no further votes this evening. However, Senators who intend to offer amendments must remain this evening to debate those amendments, and any rollcall votes ordered with respect to the amendments would occur beginning at 9:45 a.m., in a stacked sequence.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BUMPERS. Will the Senator yield?

Mr. FEINGOLD. Yes.

Mr. BUMPERS. Mr. President, I wonder if we could have a time agreement with the Senator from Wisconsin, a 20-minute time agreement with 15 minutes to the Senator from Wisconsin and 5 minutes for the managers.

Mr. FEINGOLD. That is agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

AMENDMENT NO. 2697

(Purpose: To prohibit the use of appropriated funds for the special research grants program that are not subject to a competitive approval process)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. MCCAIN, proposes an amendment numbered 2697.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SPECIAL RESEARCH GRANTS PROGRAM.

(a) IN GENERAL.—None of the funds made available under this Act for the program established under section 2(c) of Public Law 89-106 (7 U.S.C. 450i(c)) may be used for a grant that is not subject to a competitive process and a scientific peer review evaluation by qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

(b) DEFICIT REDUCTION.—Any funds made available under this Act that are not expended because of subsection (a) shall revert to the general fund of the Treasury for deficit reduction.

Mr. FEINGOLD. Mr. President, the amendment I am introducing tonight will make a very simple change to the way in which some of USDA's research funds are distributed.

Right at the beginning, let me just correct a statement by the senior Senator from Mississippi which I think

was just a brief description. He suggested that our amendment would strike the special purpose grant within the Department. It does not do that at all. It does not change the amount of the grant. It changes the way in which the grants are given. It requires a competitive approach rather than what is, in effect, an earmark approach.

So I want to be very clear throughout this debate that we are not striking the grants nor changing the way they would be given out.

The amendment would require any funds appropriated under the Special Research Grants Program within the Cooperative State Research Education and Extension Service be subject now to scientific peer review by scientists outside of USDA and that all research grants be awarded under this program on a competitive basis.

I am happy that the senior Senator from Arizona [Mr. MCCAIN] is a cosponsor of the amendment as well.

This particular program, the Special Research Grants Program, provides grants to State agricultural experiment stations, 1,890 institutions and land grant colleges to carry out applied agricultural research in fulfillment of USDA's mission to encourage and support agricultural research within the federal land grants and other research institutions. In conjunction with the many other programs conducting agricultural research, the Special Grants Program has helped foster important agricultural research.

As members of this Chamber may be aware, I have been working with bipartisan coalition of Senators to reduce the amount of so-called pork barrel spending in appropriations legislation. This amendment is intended to further that goal by addressing what I call hidden pork in this appropriations bill. The Special Research Grants Program while fairly straight forward on the surface, is actually not what it seems upon closer inspection.

USDA's Special Research Grants Program receives a single appropriation each year to fund the many grants for agricultural research conducted by universities around the country. Last year, Congress provided \$52 million for these special research grants. This year, the Senate Appropriations Committee has provided about \$50.5 million for special grants, of which some \$9.8 million is to be focused on improved pest control research.

The funding for this program is very straightforward with only four lines devoted to it in H.R. 1976.

However, when I looked at the committee report accompanying this bill, I noticed an extensive list of projects that the Committee has recommended for funding under special research grants. I counted over 90 in all for this upcoming fiscal year. Looking at last year's conference agreement, I found 121 such projects, most of which are identified by one or more states.

Then I learned, that in fact, while these projects are not technically ear-

marks, in that they are not line-itemed in the actual appropriations legislation, USDA treats them exactly as if they were earmarks.

So they are in the committee report. But they end up being treated like earmarks. Of the 121 projects recommended for funding last year, all but one grant was awarded and that single grant had its funds rescinded. Based on information I received from USDA, of those 120 projects, not a single grant was awarded on a competitive basis and each grant was made in accordance with the Agricultural appropriations Subcommittee's recommendations.

I am sure that are many Members in this Chamber who will tell me that committee reports of course are technically non-binding. That may be technically true, but if the agency administering the program considers those recommendations to be binding, they most surely are. Mr. President, the recommendations for projects to be funded under the Special Research Grants Program are most certainly earmarks. Every Member of this Chamber who has even had a project in his/her State recommended for funding under this program, or has asked for a project to be on that list of recommendations, knows that is the case.

In fact, in the bill before us today, very little of the money proposed to be provided to universities will be awarded competitively and subject to scientific peer review. These institutions listed in the committee report simply submit their proposals and receive their funds with few questions asked by the agency.

I do not want to pick on any particular State or university, but I think it is important that Members understand specifically what projects they are agreeing to fund under this program. Let me just list a few of the 90 some projects that are earmarked in the committee report: there are recommendations for eight separate research projects relating to aquaculture to be provided to six different universities for a total of \$2.5 million for fiscal year 1996. Some of those recommendations are for projects that are described by the committee, others are for research generally on "Aquaculture". We have earmarks for: \$300,000 for molluscan shellfish research at Oregon State University; \$127,000 for multicropping strategies for aquaculture—University of Hawaii; \$370,000 for Chesapeake Bay aquaculture—University of Maryland; \$305,000 for seafood and aquaculture harvesting, processing, and marketing research—Mississippi State University; \$308,000 for alternative marine and fresh water species research—Mississippi State University.

And then there are the less descriptive earmarks: \$592,000 aquaculture, Mississippi State University; \$330,000 aquaculture, Louisiana State University; \$169,000 aquaculture, University of Illinois.

All totaled \$2.5 million earmarked for eight different research projects on aquaculture for six different research institutions.

Should not it be enough for Congress to merely recommend that aquaculture, generally, be a research priority and leave the specific projects, funding amounts and research institutions up to the USDA and external peer-review panels.

Mr. President, here is a sampling of some of the other projects that the Senate will be earmarking in this bill: \$296,000 for jointed goatgrass research by the Washington State University; \$303,000 for soybean cyst nematode research—University of Missouri; \$162,000 for peach tree shortlife research at Clemson University.

Some of the projects have vague descriptions such as "forestry" or "dried beans," so it is difficult to know what the designated institutions will be doing with the money nor is it clear why these are projects of national priority that they are specifically identified in the committee report.

Mr. President, the question for my colleagues is not whether research on aquaculture, jointed goatgrass, or the soybean cyst nematode should be conducted. That is not at issue.

At issue is whether Congress should be making these very technical decision for the agricultural sector and for the USDA.

First, should Congress be defining for USDA research specialists the current research needs of agriculture down to the exact dollar and facility conducting the research?

Second, should Congress determine which research projects have the greatest scientific or economic merit?

Third, should Congress pick and choose among competing research institutions and decide, based on political circumstances, which Universities should receive the funding?

Fourth, is it at the business of Congress to decide how much of taxpayer dollars each project should receive? Can Congress effectively determine for over 90 research projects what costs are reasonable and which ones are not?

Mr. President, I believe that in a time of shrinking Federal dollars for vital agriculture research, the answer to all four of these questions has to be "no." Congress is not equipped to make these decisions, and it should not be our job to make those decisions. In too many cases too many projects are being funded for political reasons rather than scientific reasons. An agricultural researcher's chance of getting Federal tax dollars should not depend on whether that researcher has a person on the Appropriations Committee.

The amendment I am offering today ensures that research moneys under the Special Research Grants Program will be awarded to research institutions that submit proposals for projects that are consistent with the research needs of agriculture, that are competitive with respect to the cost of

the project and the non-Federal matching funds, and have scientific or economic merit as determined by an external peer review panel.

Congress under this can still recommend projects for funding, but those recommended projects will have to compete among a pool of other qualified research institutions. If they cannot pass the competitive test of merit and peer review, then the project should not and will not be funded.

In 1994, the National Research Council stated that there remains considerable scope for expansion of the use of competitive grants at USDA and, equally important, the use of peer review.

The advantages of this different more competitive approach are indisputable.

First, competitive grants are responsive and flexible and can be adjusted to agricultural funding priorities consistent with national needs and the public interest.

In 1993, before the Senate Subcommittee on Agriculture Research, the GAO reported that congressional earmarking of research dollars was identified as one of the factors inhibiting USDA from focusing research dollars on current research priorities.

During that same hearing, USDA witnesses indicated specifically that congressional earmarking had prevented them from redirecting research dollars for the more current needs.

Second, competition attracts new scientists, researchers and economists to an area of research typically reserved to a few select institutions with entree to Congress. That can only be good for research that attempts to solve otherwise unresolved problems.

Third, competition in grant awards provides taxpayers and farmers with greater assurances that limited research dollars are being spent wisely and in the most cost-beneficial manner possible. It is that last point that I think is really critical.

Over the last 25 years, USDA's research budget in terms of real dollars has actually declined. Of course, now in our efforts to balance the budget research funds will probably continue to take greater hits. The proposed budget for CSREES research in fiscal year 1996 is down \$14 million from fiscal year 1995. Compared to just 2 years ago, the funding for the Special Research Grants Program alone is down by \$18 million.

Congress can no longer afford to operate the way we have for the last 25 years. It is time to open up the Special Research Grants Program to competition and peer review. While this programming accounts for only 5 percent of the budget, it accounts for about one-third of the nonformula research grants made by the agency, so it is pretty substantial. It is a critical component of this Nation's research agenda for agriculture.

So to conclude, let me be clear. My amendment does not cut any funding for the Special Research Grants Pro-

gram. It does not, as was stated earlier in the Chamber, strike any of that funding. It merely imposes a process whereby research grants will be directed towards the most relevant research in the most cost beneficial manner. I think we owe it to taxpayers and consumers and farmers and others in the area of agriculture to adopt this amendment, and I urge my colleagues to support it.

I reserve the remainder of my time and yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield myself such time under the agreement as I may consume.

The debate about special grants and research projects for agriculture is not a new debate. There have been differences of opinion about how much should be allocated for basic research, how much should be in applied research, whether the Agriculture Research Service Federal laboratories ought to do it all, whether State land-grant universities and the experiment stations attached to them should do some of the research and, if so, how much? What is the role of State government in all of this? Do they have an obligation to participate? Are matching funds to be required in every instance for research and the construction of research facilities?

There are a lot of different issues involved in the agriculture research portion of this bill. We have tried to carefully review the requests this committee has received from Members of Congress, from outside groups, from others—the administration in its budget request.

We have considered their suggestions to try to have a careful and thoughtful balance among all of these competing interests and to do it in a way that safeguards the interests of the taxpayers that their dollars not be wasted.

There is no question that this bill is loyal to the responsibility of assuring that these dollars are invested to benefit American agriculture. They are not boondoggles. They are not pork barrel projects with no merit. As a matter of fact, many studies have documented the substantial public benefits which result from these investments in agriculture research. We need to maintain our technological advantage in American production agriculture to help ensure that our farmers can continue to operate profitably and protect the soil and water resources we have that are in many cases very fragile. And so we have a lot at stake in how these dollars are spent. We want them to be spent correctly.

The debate really is in some instances not on whether the research ought to be done but who does it and who decides who does it. This argument about peer review is suggesting that those who are the self-styled and self-anointed experts decide.

As Members of the Congress we have the responsibility of ensuring the care-

ful and frugal expenditure of public taxpayer dollars so we are directly accountable and answerable to the public for any appropriation of funds along these lines that we approve. I am not ready to delegate the responsibility that the people of my State of Mississippi have entrusted in me to come here and help ensure that our State's interests, our State agriculture interests are taken into account in the research decisions that are made.

I am not going to delegate to some fancy group of scientists in some other State the authority to decide where the tax dollars that are paid by Mississippians are spent in agriculture research. I am not sure they will always come down on the side of the agriculture interests that we have in our region. So I wish to continue to play a role in it, and to do that we have to continue to exercise our responsibilities as Members of the Congress to determine how our tax dollars are spent.

That is what this bill does. It gives our colleagues and this Senate, a voice in where these dollars go and for what they are spent. The argument for competitive peer-review grants versus special grants, in my opinion, focuses on who is going to make the decisions regarding the allocation of Federal funds among competing legitimate demands. There is competition between the experiment stations, land-grant institutions, and other institutions.

It has been suggested that since each system has strengths and weaknesses, the arguments about the merits of the system should be cast in terms of the relative mix rather than their absolute merit. But we think we have done a good job.

Mr. President, \$707 million for basic and applied research in this bill will be conducted at Federal laboratories, \$40.7 million will go to special grants, and \$99.5 million will go to competitive grants through the National Research Initiative. We think special grants play an important role because they address special local and regional needs. The authority for these special grants is spelled out in the law, Public Law 86-106. This authority provides that grants may be awarded to State agriculture experiment stations, land-grant colleges, universities, and other qualified institutions for the purposes of facilitating or expanding ongoing State-Federal food agriculture research programs.

Those who argue against these special research grants suggest that just because they are recommended by Members of Congress they have no merit or not as much as if they had been recommended by somebody else. I disagree with that. And so I think this is based on an erroneous assumption. The Senate ought to reject the amendment. I argue strongly for Senators to oppose the amendment offered by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Chair and I thank the Senator from Mississippi. I admire his leadership in the agriculture area.

Let me use the brief time I have remaining to respond to a couple of points he has made about our amendment.

First of all, I just do not see how it is possible for a committee, despite its tremendous efforts with the staff and resources of the Appropriations Committee, to make this kind of sophisticated analysis and competitive determination that is sufficient to make a fair determination of competition.

The Senator says these are meritorious projects. I do not deny that. Certainly many of them are meritorious. How do we know? What is the criteria for evaluating whether or not the 120 out of 121 projects that were mentioned in the committee report last year were actually of merit to justify the taxpayers' dollars?

And given the comments of the Senator from Mississippi, in particular, how he does not want this process left up to a fancy group of scientists, well, this is about a \$50 million program. The National Research Initiative, Mr. President, is a \$100 million program, and that is left up to a fancy group of scientists. We do have peer review when it comes to \$100 million worth. Why not have that fancy group of scientists—actually that is what they are, people who know what they are talking about from an economic and agricultural point of view—why not have those people handling the other \$50 million and make it a fair competition?

What it comes down to, Mr. President, is what kind of competition are we going to have? The Senator from Mississippi fairly points out there is a competition of sorts for these earmarks. It is a political competition. It is a question of political muscle, who has got the most muscle to get a grant. I suggest that we need a different kind of competition, a competition based on merit. Many of us were elected and many of us particularly last year who came to this body were elected on the notion that we should run this Government like a business on the basis of merit, on the basis of quality, quality control. That is what this is all about, having some quality control in the midst of a very well intended series of efforts to improve agricultural research in this country. I thank the Chair and I urge my colleagues to support the amendment.

Mr. President, I yield back the remainder of my time.

Mr. COCHRAN. Mr. President, has all time been used on the amendment under the agreement?

The PRESIDING OFFICER. All time has expired.

Mr. COCHRAN. Mr. President, I think we have other amendments that can be disposed of tonight, or argued.

I notice the Senator from Nevada and the Senator from Arkansas have a Mar-

ket Promotion Program amendment which they intend to present. The Senator from North Dakota has an amendment which he can propose and describe, if he chooses, at this time or we can defer it to later.

But we are going to proceed to try to meet the challenge of getting all these amendments argued tonight so we will know what we are going to vote on tomorrow. We appreciate the cooperation of the Senators.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2698

(Purpose: To provide that producers of a 1995 crop are not required to repay advance deficiency payments made for the crop if the producers have suffered a loss due to weather or related condition)

Mr. CONRAD. I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 2698.

Mr. CONRAD. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS FOR 1995 DISASTER LOSSES.

(a) IN GENERAL.—Notwithstanding subparagraphs (G) and (H) of section 114(a)(2) of the Agricultural Act of 1949 (7 U.S.C. 1445j(a)(2)), if the producers on a farm received an advance deficiency payment for the 1995 crop of a commodity and suffered a loss in the production of the crop due to weather or related condition, the producers shall not be required to repay an amount of the payment that is equal to, subject to subsection (b), the product obtained by multiplying the applicable crop acreage base and the farm program payment yield.

(b) LIMITATIONS.—The amount of the payment that the producers on a farm are not required to repay under subsection (a) shall—

(1) not exceed \$2,500; and

(2) not be available for production on which crop insurance coverage is available, as determined by the Secretary of Agriculture.

(c) FUNDING.—Up to \$35,000,000 that has been made available to carry out the export enhancement program established under section 301 of the Agriculture Trade Act of 1978 (7 U.S.C. 5651) during fiscal year 1996 may be used to carry out this section.

Mr. CONRAD. I thank the Chair. I appreciate the patience and the indulgence of the Chair as well.

Mr. President, I will try to be brief. The amendment that I have sent to the desk would deal with a very serious problem that is developing around the country. I am sure it affects producers in the State of the Chair; I am certain it affects the producers in the States of the managers. It deals with the prob-

lem of producers suffering crop losses this year because of very serious planting problems that developed around the country.

In many parts of the country we had excess moisture; in other parts of the country we had an extraordinary wave of heat that dropped the value of crops and in many cases destroyed crops for our producers.

Unfortunately, producers lucky enough to plant a crop were often met with these difficult conditions, and in some cases producers were not able to get a crop at all. The result is that producers who had the expense of planting a crop received an advance deficiency payment.

On wheat that amounted to 35 cents a bushel. Because of the crop situation in this country and around the world, prices then went up dramatically, which will require farmers to repay those advance deficiency payments, and in some cases they do not have a crop at all. In other words, farmers are being sent a large bill but have no crop from which to derive income to pay the bill back.

Now, in previous years a disaster payment would have been available to meet this situation. But now we do not have a disaster payment. We do have crop insurance. And what my amendment would do is say to producers, to the extent your crop could not be covered by crop insurance, you would be forgiven the advance deficiency payment if you have had a crop failure. We would also attach an additional provision. We would provide that no farmer would get more than \$2,500 in forgiveness of advance deficiency payments.

Now, I understand \$2,500 may sound like a lot to some people. To farmers who have very large expenses, it may sound like not much, but at least it would help offset the costs of putting in a crop, not getting any production, and then being expected to repay an advance deficiency payment when you have no income with which to pay it. And again I want to emphasize to my colleagues, we have provided that this is only available to the extent that crop insurance could not cover the crop affected.

In other words, let us say that a farmer took out the 75 percent coverage under crop insurance; only the 25 percent that could not be covered under crop insurance would be eligible for this forgiveness of advance deficiency payment. So on no bushel, not one, would any farmer receive crop insurance and a forgiveness of an advance deficiency payment.

In addition, if a farmer had chosen only to get 60 percent coverage and 75 percent coverage was available, he would only qualify as if he had the 75 percent coverage. Obviously we do not want to create a perverse incentive by saying to the guy that went out and purchased the 75 percent coverage, "You know, you were a fool to do that because the Government is going to come in here and at least forgive your

advance deficiency payment on that part not covered by crop insurance."

So we have tried to target this in a way that makes sense. We worked with the Congressional Budget Office. They now tell us this would cost \$35 million. We have offset that by reducing the amount available for the Export Enhancement Program next year by that \$35 million. In other words, we say reduce by up to \$35 million the amount available in the Export Enhancement Program for next year in order to fully pay for the forgiveness of advanced deficiencies for farmers who had disaster this year.

Again, I think we have crafted this in a careful way. Let me just say that this year on the EEP program we had \$800 million authorized. We know we are going to only use \$400 million. We had \$800 million authorized, and we will use something less than \$400 million.

I say to my colleagues, at least for the purposes of getting this to the conference committee, let us have a vehicle out there that allows us to forgive these advanced deficiencies to a total of \$2,500 per farmer, and only on those bushels where they do not have crop insurance or could not have had crop insurance to offset some of the disaster we see around the country.

Many parts of the country—I know in the South the cotton crop was adversely affected by unusual heat. It came at a critical time and as a result that crop was damaged. In my part of the country we had flooding, most unusual flooding. I know in the State of the Chair, that flooding and wet conditions were serious. As a result, we have a whole series of disease problems.

With that, I would thank the chairman for his assistance this afternoon and this evening in trying to put something together.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, when the Senator from North Dakota brought this amendment to my attention and said that he would offer it, my immediate reaction was I favored it. I thought it certainly tried to do some of what we were doing yesterday, or endeavoring to do, when we offered the disaster assistance proposal to benefit those cotton farmers in the South who had suffered such terrible losses this year because of the infestation of army budworms, tobacco budworms, beet army worms.

These damages were heightened and made much worse because of the serious weather conditions. The excessive heat in many areas of our State, and I think this is true of Alabama and other Southern States, made this disaster possible. We are told by the entomologists and the experts this is a weather-related disaster, but it is more commonly referred to as infestation of pests that have caused these damages. In my State alone, over \$100 million in losses are going to be sustained, they say, by cotton producers alone.

So I think this amendment may very well help some of those farmers. They were denied any extra help under the amendment that we had before the Senate on a rollcall vote. I think one of the reasons that amendment was defeated is because it was crop specific; it was targeted only to cotton producers. This amendment is not targeted to any specific kind of crop or farmer or region or State.

Before we get to a point of voting on the amendment, I am going to try to find out from those who know whether it will apply and provide assistance to Mississippi cotton farmers. I may end up voting for the amendment. I hope I can support it. But at this time tonight, I am not able to recommend approval of the amendment, because of the questions about the offset and the scoring.

If it is going to cost \$35 million, where does the Department, or the ones making these estimates, think the benefits will go? Will they all go to the prairie, the North part of the farm belt, the Dakotas and that part of the country, and if so, how will it actually work? So there are questions that we still have to explore, and I hope by tomorrow when we get to a vote on this amendment, we will have those answers.

I am certainly not going to criticize the Senator for bringing this amendment up. My heart is where his is, and that is with these farmers who have sustained these terrible damages. I regret that the crop insurance program that we have now is big on promise but short on delivery of benefits to help in the recovery from serious disasters. That is what we learned, I think, in Mississippi this year, that the new Catastrophic Crop Insurance Program is a disaster in itself.

There has been a lot of hype. Farmers were told, "Don't worry, you're automatically eligible for these benefits. For \$50, you're signed up." It sounded too good to be true, and guess what? It is too good to be true, because the benefits they are getting do not nearly equal what others had been getting from ad hoc benefit assistance programs in the past. They were told, "You are going to get about the same level of benefit that you would have under a disaster assistance program passed by Congress." It has not turned out that way. I sympathize with the farmers who have been misled and have not bought additional insurance to make up for what their losses could have been.

Those are my reactions to the amendment, and comments. We will have an opportunity to vote on the amendment tomorrow.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I just say that this has been designed with all farmers in mind. This has not been designed to benefit just one region or one crop. We know that losses have

been severe throughout farm country from different situations in different parts of the country. In our part of the country, in an unusual turn of events, we have had too much water. That is a rarity in North Dakota, I might say. We have a million acres not planted in the State of North Dakota. That is truly a rarity.

But we know that there are different circumstances. In Indiana, they had excess heat at the time the crop was forming and, as a result, significant losses. I know Missouri has had the same problem North Dakota has, and terrible disease problems as a result of excess moisture. I know Mississippi has had problems as a result of weather conditions there.

The one thing farmers cannot do much about are the vagaries of weather and price. This year, prices have shot up, and that is terrific for those farmers who have a crop, but if you do not have a crop, it means you are going to have to pay back your advance deficiency payment at the very time you do not have the crop to get the income to pay it back.

I had a farmer call me the other day and he said, "Senator CONRAD, I have a bill coming due to pay back my advance deficiency payment, \$8,000. I got no crop, and I got no money. I had the expense of planting. I had the expense of fertilizing, and I had the expense of putting it all in. Then we had disastrous flooding. So I've got no crop, and I have a bill coming due for another \$8,000, and there's no way I can pay it. It is really not fair."

And just as the Senator from Mississippi described, those of us who are very wary of this notion of doing away with disaster programs, we are right because the crop insurance program does not make up for the lack of a disaster program. For many producers, that is going to be a disaster in and of itself.

I thank the Chair and yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2699

(Purpose: To provide that funds made available for the market promotion program under this Act may be used to provide cost-share assistance only to small businesses or Capper-Volstead cooperatives and to cap the market promotion program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself and Mr. BRYAN, proposes an amendment numbered 2699.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 18, before the period at the end, insert the following: “*Provided further*, That funds made available under this Act to carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) may be used to provide cost-share assistance only to organizations that are recognized as small business concerns under section 3(a) of the Small Business Act (15 U.S.C. 632(a)) or to associations described in the first section of the Act entitled ‘An Act to authorize association of producers of agricultural products’, approved February 22, 1922 (7 U.S.C. 291). *Provided further*, that such funds may not be used to provide cost-share assistance to a foreign eligible trade organization: *Provided further*, That none of the funds made available under this Act may be used to carry out the market promotion program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) if the aggregate amount of funds and value of commodities under the program exceeds \$70,000,000”.

Mr. BUMPERS. Mr. President, this morning the Senate voted rather decisively—I believe it was 59 to 41—not to abolish the Market Promotion Program. Several Senators said to me they did not much like the program, but some industry in their State benefited from it or some agriculture cooperative in their State benefited from it.

And so my objection to the Market Promotion Program is that it is for the very biggest corporations in America, and at a time when we are trying to cut Medicaid and welfare and everything else, to reward the biggest corporations in America with Federal largess is inconsistent and, I think, almost immoral.

So Senator BRYAN and I have crafted an amendment that we think will meet, certainly meets our objections, and we believe it will meet the concerns of Senators who feel obligated to vote for market promotion every year.

There are four points to it. First, we eliminate the eligibility of foreign trading organizations. Right now, roughly \$10 million of this money goes to foreign corporations. We eliminate them.

Second, we convert it into something of a small business program, because we make small businesses eligible and small business will be determined by the Small Business Administration. Generally, these businesses range in the area of 500 employees and gross sales of \$50 million a year.

If people want to put their money where their heart is, maybe I should say where their mouth is, here is an opportunity to do something for small business to help them export, because they need more help, where big corporations do not.

Third, we make all the agricultural cooperatives in the country eligible. They are eligible now, and they stay eligible, and I know a lot of Members of the Senate voted for this because they have a cooperative. I have one in my State, Riceland Foods, who does a lot of exporting.

So we make all cooperatives of all sizes eligible under the amendment.

And fourth, we reduce the funding from \$110 million to \$70 million. You

make it an attractive, palatable program that gives small businesses a chance to export. You take care of the agricultural interests because you allow the agricultural cooperatives to still apply for and be eligible for grants to help them export. You eliminate foreign corporations, which I think everybody will applaud and perhaps they will applaud louder for the reduction of \$110 million to \$70 million than anything else, a savings of \$40 million. We do not take the \$40 million and allocate it someplace else. It can go on the deficit. You could not find a better place for it.

Mr. President, those are all the remarks I care to make on it tonight. I will be glad to yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair. Mr. President, the hour is late, and this has been debated extensively during the course of the last day or two.

Let me commend my colleague from Arkansas. He and I, it is clear I think to all Senators, if given a preference would like to eliminate the program.

We have tried, he and I together, for the past several years—and prior to my arrival in this body, I am sure he was trying even then—and it is \$110 million in the appropriations bill this year. As he just pointed out, this is a carefully crafted compromise. We have preserved the right for small businesses, as defined under the Small Business Administration, to be eligible to participate in this program. We eliminate foreign companies from their eligibility. I think the more current number my colleague mentioned was \$10 million. The information I have in the current year is that the program currently provides some \$12 million. So we eliminate all foreign companies.

Certainly, my colleagues would agree that the American taxpayer has no business in providing money for the advertising accounts of foreign companies. Certainly, we ought to be able to agree to that. As he pointed out, the various co-ops in the country, representing a broad diversity of products that are exported abroad, would continue to be eligible as they are under current law under this program, and we limit it to \$70 million.

We made some progress. The last time this issue came before us for a vote, my recollection is that we got 38 votes. This morning, we got 41 votes. That is incremental progress, and I suppose we should be grateful for that. But in an effort to accommodate the concerns that a number of our colleagues that say, look, we are not enamored with the program, but it provides help to small businesses, it provides assistance to local co-ops involved in export promotion, this is the compromise that is offered in good faith. I hope my colleagues—particularly those who have rejected efforts in the past to eliminate this program—will take a fresh look at this approach

and say, look, we tried to strike a reasonable and responsive balance—not going as far as the Senator from Arkansas and I would like to go, but recognizing the concerns that a number of our colleagues have with respect to small businesses, and agricultural co-ops, and to eliminate the money that currently goes to foreign companies, some \$12 million, and to try to at least begin to wean these programs from their current level of expenditure, which is \$110 million, and to reduce that to \$70 million.

I urge my colleagues to reconsider their previous position and support this amendment, which is offered in the spirit of compromise.

I thank the Chair and yield the floor.

Mr. COCHRAN. Mr. President, we have had a lot of discussion about the market promotion program today and yesterday. Last night, we were here on the floor for an hour—these three Senators—talking about this program and their amendment to actually do away with all funding for the program—cancel it, kill it. We had a full debate. We voted on a motion to table their amendment. The motion was agreed to by about 60 to 40, about the same amount of the vote that was cast earlier this year when the Senate rejected, by a vote of 61 to 37, the same proposal on the bill—the rescission bill, the supplemental we had before the Senate. April 6 was the date of that vote.

The point is this has already been fully discussed. I am not going to take a lot of time to argue against the amendment. I am going to make one point since this is a different approach to this issue.

This amendment seeks to rewrite the program, in effect, not only to authorize the funding at a lower level, which I think is \$70 million, but to change a number of the provisions of the bill with legislative language, in effect, describing the kinds of eligible entities who can apply for funds under the market promotion program—the size of the entities, character of the entities, description about ineligible applicants. My problem with that is not that these may not be good suggestions, but that the Senate is being asked to function as a legislative committee.

Think about that, Mr. President. We are trying to function as a committee of the whole. They do that in the House when they go into session as a committee of the whole to take up amendments to legislation, and then the House actually reports the bill or approves the bill, and they have a vote on the legislation itself. But here in the Senate we do not have a committee of the whole. We have legislative committees that have that responsibility.

I think it is a big mistake to have legislative proposals presented to the Senate for the first time, a case of first impression, here in the Senate Chamber and we are called upon to listen to a few minutes of debate or, as is the

case tonight, with almost nobody here but those of us here who are managing the legislation, to listen to the argument and make a decision based on what is best for this program. Should this program be reauthorized? And how should it be managed? What would the level of funding be? These are decisions for the legislative committee to make. They are to look at the options. They are the experts.

Senator BUMPERS is not on the Agriculture Committee. Senator BRYAN is not on the Agriculture Committee. Maybe they should be on the Agriculture Committee. Maybe they want to be on the Agriculture Committee and they are frustrated. They would like to have the opportunity to help write this authorization bill that we are going to be writing in the Agriculture Committee as a part of our reconciliation instruction. And I am told by those who are familiar with some of the proposals in the committee that there will be changes in this program recommended by the Agriculture Committee, and that there may be a reduction in the funding authorized by that committee. That is for them to decide.

We should not be on an appropriations bill trying to legislate a new kind of program. So I have a serious problem with the procedure. I urge the Senate to reject this amendment. It is an amendment that we cannot accept, and I hope that the Senate will follow the decision that it made earlier on this bill, on a similar amendment offered by these distinguished Senators.

Mr. President, as I understand the procedure, we need to get the yeas and nays ordered on the amendments that we have not been able to accept, so that votes will occur tomorrow.

UNANIMOUS-CONSENT AGREEMENT

Mr. COCHRAN. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on those amendments that will require record votes, and they are: The Feingold amendment, the Conrad amendment, and the Bryan-Bumpers amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I now ask for the yeas and nays on those three amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, for the information of Senators, there are several amendments we have agreed to take and to recommend that they be included in this bill. We have a package, a managers package that will be presented to the Senate. We will do that tonight.

Other than that package of amendments, which have been cleared on both sides, I know of no other amendments that are going to be offered, or intend to be offered, tonight. But just to be sure, I am going to yield the floor and await a call from the Cloakroom or

someone coming to the floor to offer an amendment that we may not have heard about, that is described in the agreement and that would be eligible to be offered tonight. We expect to hear from anybody who intends to offer one that we have not indicated a willingness to accept.

Mr. BRYAN. If the Senator will yield, I am sure my colleague and I have no further amendments. Has there been a time set, or a sequence for the votes to occur on the amendments offered this evening?

Mr. COCHRAN. Under the agreement, there is time. It starts at 9:45 a.m. on Wednesday. The sequence would be, I presume, the order in which the amendments were offered. The yeas and nays were granted. So the sequence would be the Feingold amendment, the Conrad amendment, and the Bryan-Bumpers amendment.

Mr. BRYAN. That is certainly acceptable to me. Mr. President, I have a further question. If I might inquire of the chairman, is there any time allocated under the protocol that we are adopting for tomorrow to explain any of these amendments? I know that, previously, we have had arrangements where each side is given a couple of minutes. I simply inquire.

Mr. COCHRAN. Mr. President, I am advised 4 minutes equally divided has been made part of the agreement. That is the understanding.

Mr. BRYAN. I thank the Chair.

Mr. COCHRAN. For the clarification of this situation, of course I will be happy to read this agreement.

Let me read it, and if there are any problems, we will be told about it, I am sure, by Senators who have any questions.

ORDERS FOR WEDNESDAY, SEPTEMBER 20, 1995

Mr. COCHRAN. I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m. on Wednesday, September 20, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business until the hour of 9:40 a.m., with Senator FORD recognized for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask unanimous consent that at 9:40 a.m. the Senate then immediately resume consideration of H.R. 1976, the agricultural appropriations bill, and there be 4 minutes equally divided on the Feingold amendment, to be followed by a roll-call vote on or in relation to the Feingold amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I now ask unanimous consent that following the disposition of the Feingold amendment there be 4 minutes for debate to be equally di-

vided in the usual form, to be followed by a modification by Senator CONRAD, if necessary, and that following the modification, the Senate proceed to vote on or in relation to the Conrad amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask that following the disposition of the Conrad amendment there be 4 minutes to be equally divided in the usual form, to be followed by a vote on or in relation to the Bumpers amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I further ask that following the disposition of the Bumpers amendment that H.R. 1976 be read for a third time without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. For the information of all Senators, the Senate will resume consideration of the agricultural appropriations bill tomorrow morning. Under the previous order, there will be three rollcall votes beginning at 9:45 a.m. tomorrow. In addition, also following disposition of the agricultural appropriations bill the Senate will begin consideration of the foreign operations appropriations bill. Therefore, votes can be expected to occur throughout Wednesday's session of the Senate.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with consideration of the bill.

AMENDMENTS NOS. 2700 THROUGH 2706, EN BLOC

Mr. COCHRAN. Mr. President, we do have a list of amendments which we will present to the Senate and ask for their approval.

An amendment offered by Senators DORGAN and CONRAD on flooding at Devils Lake, North Dakota; an amendment offered by Senator DOLE providing funds for the Agricultural Research Service Grain Marketing Research Lab; an amendment offered by Senator ABRAHAM eliminating certain USDA advisory committees; an amendment for Senator GORTON regarding a timber regulation.

Mr. BUMPERS. Mr. President, on that amendment, is that the Gorton-Murray amendment?

Mr. COCHRAN. It is an amendment proposed by Senators GORTON, MURRAY, and BURNS.

Mr. BUMPERS. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. And an amendment offered by Senator BENNETT regarding the Colorado River Basin salinity control program; an amendment offered by